MYSORE ACT No. VII OF 1933.

THE MYSORE CITY MUNICIPALITIES ACT, 1933.

TABLE OF CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1 (1) Short title.
(2) Local extent.
(3) Commencement.

2 Repeal.
(*a*) Saving clause.

3 Interpretation section.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) *Municipalities.*

4 (1) Delimitation of City Municipalities.
(2) Limits to be specified in notification.
(3) Erection and maintenance of boundary marks.
(4) Property and rights of Municipal Council, which has ceased to exist, to vest in Government.

5 Conversion of Town Municipalities into City Municipalities.

6 (1) What local areas may be declared to be City Municipalities.
(2) Naming of Municipalities comprising two or more places.

7 City Municipalities.

(2) *Municipal Councils.*

8 Constitution and incorporation of City Municipal Councils.

9 (1) Municipal Councils to consist of elected and nominated Councillors.
(2) In specified proportions.

10 Reservation of seats for scheduled castes.

10-A Territorial divisions for elections.

10-B Qualification for enrolment in the election roll.

11 (1) Operation of lists.
(2) Right to vote to depend on entry in roll.
(3) Enrolment in Municipal Election roll necessary for elected Councillor.

(3) *Municipal Councillors.*

Sections.

12 (1) General Disqualification for becoming a Councillor.
(2) Disabilities from continuing to be a Councillor.
(3) Power of Government to decide whether vacancy has occurred.

13 Resignation.

14 Liability to removal from office.

15 Term of office.

16 Casual vacancies how to be filled up.

17 Casual vacancies occurring by increasing the number of Councillors.

18 Re-eligibility of Councillors.

19 Publication of names of Councillors and Presidents and Vice-Presidents in the Official Gazette.

(4) *Municipal Elections.*

20 (1) Determination of validity of elections; enquiry by the Election Commissioner; procedure.
(3) (*a*) Declaration in case of corrupt practice by a candidate.
(*b*) Scrutiny of votes and declaration in other cases.
(4) What is a corrupt practice.
Candidate when deemed to have committed corrupt practice.
Promise of individual profit.
(5) Mere irregularities and informalities not to invalidate election.
(6) Disqualification of candidate for corrupt practice.

21 Bar of suits relating to election, etc.

(5) *Municipal Government.*

22 Municipal Government to vest in the Municipal Council.

(6) *Presidents and Vice-Presidents.*

23 (1) Every Municipal Council to have a President and if the Municipal Council so desires, a Vice-President.
(2) President to be appointed or elected.
(3) Effect of notification of *ex-officio* President.
(4) Vice-President to be elected.
(5) Salaried servants of Government ineligible for election.
(6) When Deputy Commissioner may perform functions of President.
(7) Consequence of absence of President or Vice-President without leave.
(8) Limit of grant of leave and arrangement during leave.

Sections.

(9) Vacation of office by Vice-President on becoming President.
(10) Vacation of office by President and Vice-President for want of confidence.
(11) Removal of Presidents and Vice-Presidents.
(12) Term of office of President and Vice-President.
(13) Vacancies in their office how to be filled up.
(13-A) Power of Government to authorise Vice-President or Municipal Commissioner to perform functions of President during his absence.
(14) Remuneration of President and Vice-President of Municipal Council.

24 Functions of Presidents.
(3) Channel of communication with Government.

25 Custody of records.

26 Functions of Vice-Presidents.

CHAPTER III.

Conduct of Business.

(1) *Municipal Meetings.*

27 Provisions in regard to meetings of a Municipal Council.
(1) Ordinary general meetings.
(2) Special general meetings.
(3) Notice to be given of meetings.
(4) Municipal meetings to be held at Municipal office.
(5) Meeting how presided over in the absence of both the President and Vice-President.
(6) Meeting must ordinarily be open to the public.
(7) Number of Councillors required to form a quorum.
(8) Business to be transacted at meetings and order of business how to be settled.
(9) Minutes of Proceedings to be kept.
(10) All questions must be decided by a majority of votes.
(11) Councillor not to vote on questions in which he has pecuniary interest.
(12) Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.
(13) Adjournments of meetings.
(14) Modification and cancellation of resolutions.
(15) Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.
(16) (*a*) Certain Government Officers may attend meetings of Municipal Councils.
(*b*) Municipal Council may require the presence of certain of the said officers at their meetings.

28 Right of Municipal Commissioner to be present and to speak at Municipal Meetings.

Sections.

29. Rights and privileges of individual Councillors and President.

(2) *Committees.*

30 (1) Managing Committee.
(2) Power of Managing Committee.

31 Other committees.

32 When persons other than Councillors may serve on Committees. Duties, etc., of such persons.

33 Casual vacancies—Re-eligibility.

34 (1) When Chairman to be *ex-officio.*
(3) When no *ex-officio* Chairman, Municipal Council may appoint Chairman.
(4) When *ex-officio* or appointed Chairman does not attend meeting, committee may appoint Chairman of meeting.
(5) If there is no Chairman, *ex-officio* or appointed by the Municipal Council.

35 (1) Procedure at meeting.
(2) Committees shall meet when they think proper.
(3) Number of members required to form quorum at committee meetings.

36 (1) Procedure by circular.
(2) Propositions when to be sent to Government Officers for remarks.
(3) Decisions how to be taken on propositions circulated.
(4) How to be recorded.

37 (1) Subordination of committees to instructions of Municipal Council, and compliance with requisitions of Municipal Council.
(2) Orders subject to revision and appeal.

(3) *Delegation of Powers to individuals.*

38 Powers, duties and functions may be delegated to officers whose expenses may be paid.

(4) *Validity of Proceedings.*

39 (1) Acts and proceedings of Municipal Council and committees not vitiated by disqualifications, etc., of members thereof.
(2) Proceedings of meetings to be good and valid, until the contrary is proved.
(3) Vacancy not to affect Municipal Council's Proceedings

(5) *Joint transactions with other Bodies.*

40 Joint committees of two or more Municipal Councils.

(6) *Contracts.*

Sections.

41 (1) Competency of Municipal Council to lease, sell, and contract.
(2) Subject in certain cases to sanction of Government.
(3) Sanction by resolution at general meeting requisite to validity of certain contracts.
(4) Sanction of Municipal Council when requisite in other cases.
(5) When tenders should be invited.
(6) Sanction by committees and individuals empowered.
(7) Mode of executing contracts.
(8) Invalidity of contract unless requirements of section are fulfilled.

42 Contracts by officers appointed by Government to execute Municipal Works and payment for such works.

(7) *Compulsory acquisition of land.*

43 Acquisition of land.

(8) *Liabilities of Councillors, Officers and Servants.*

44 (1) Municipal fund ordinarily liable for all costs and expenses incurred by Municipal Councils.
(2) Liability of President, Vice-President, members and officers for loss, waste or misapplication.

45 (1) Officer or servant of any Municipal Council not to be interested in any contract in such Municipal Council.
(2) Effect of acquiring such interest.
(3) Saving clause.

46 Penalty for Councillor, officer or servant of a Municipal Council being interested in any contract, etc., with that Municipal Council.

47 (1) Notice to sweepers and scavengers before discharge.
(2) Penalty for withdrawal of sweepers and scavengers without notice.
(3) Application of sub-sections (1) and (2) to other Municipal servants.

48 Councillors, etc., to be deemed public servants.

CHAPTER IV.

Rules and By-Laws.

49 Municipal Councils to make rules.
(*a*) Regulating the conduct of business.
(*b*) Fixing the functions of President and the establishment.
(*c*) For general guidance of Municipal servants.

Sections.

(*d*) Fixing the amount of the security to be furnished.
(*e*) Determining mode of appointing, etc., Municipal servants ; delegating powers to appoint, etc.
(*f*) Granting leave to Municipal servants.
(*g*) Contributing to Provident Fund.
(*h*) Prescribing the taxes, etc., to be levied for Municipal purposes.
(*i*) For writing off amounts due and remitting fees.

(*j*) Approval required to rules.

50 Power to suspend, reduce or abolish any existing tax.

51 (1) Power to make by-laws.
(*a*) For markets and slaughter houses, etc.
(*b*) For licensing, regulating and inspecting certain businesses.
(*c*) Regulating the stalling of cattle, etc.
(*d*) For regulating dairies, cattle sheds, milk stores, etc.
(*e*) For inspection of weights and measures.
(*f*) For registration of births, etc.
(*g*) Regulating the disposal of the dead.
(*h*) For enforcing information as to epidemic.
(*i*) For enforcing information as to liability to Municipal taxation.
(*k*) Octroi by-laws.
(*l*) Terminal tax.
(*m*) For protecting water.
(*n*) Regulating public baths, etc.
(*o*) For conservancy.
(*p*) For constructing houses for the poor.
(*q*) For the disposal of carcasses.
(*r*) Regulating structures and buildings.
(*s*) For regulating construction or use of buildings.
(*t*) For providing for streets.
(*u*) For ensuring ventilation.
(*v*) Control of drains.
(*w*) Requiring information and plans in certain cases
(*x*) For controlling unwieldy traffic.
(*y*) Public parks.
(*z*) Requiring qualified surveyors and plumbers.
(*aa*) For licensing factories, the use of steam whistles. etc.
(*ab*) General.
Fine may be imposed for infringement of by-laws.

(2) Publication of drafts of proposed by-laws.
(3) Objections and suggestions to be submitted to Government.

52 Rules and by-laws to be printed and sold.

CHAPTER V.

Municipal Property and Fund.

Sections.

53 (1) Power to acquire and hold property.
(2) Property vested in the Municipal Council.
(3) Power to Government to resume property.

54 Municipal fund.
Provision as to special trusts.

55 Application of Municipal fund and property.

56 (1) Power to deposit and invest surplus funds.
(2) Surplus not so deposited or invested how to be dealt with.

57. Power of Municipal Councils to borrow money.

CHAPTER VI.

Obligatory and Discretionary Functions of Municipal Councils.

58 Duties of Municipal Councils.

59 Special duties.

60 Power of Government to exempt Municipal Council from any of the duties.

61 Discretionary powers of expenditure of Municipal Councils.

62 Arrangements purporting to be binding permanently or for a term of years.

63 Management of public institutions maintained by Municipal Councils to vest in it.

CHAPTER VII.

Municipal Taxation.

(1) *Imposition of taxes.*

64 Taxes which may be imposed.

65 Procedure preliminary to imposing.

66 Power to sanction, modify and impose conditions.

67 Publication of sanctioned rules with notice.

67-A Duty on transfers of immovable properties.

Sections.

67-B Seizure of vehicles not bearing numbers and procedure after seizure.

(2) *Assessment of and liability to rates.*

68 Appointment of assessors.

69 (1) Preparation of an assessment list.
(2) Power to inspect.
(3) Returns to be furnished.

70 (1) Person primarily liable for a rate on buildings or lands or both, how to be designated if his name cannot be ascertained.
(2) Occupier liable for a rate on building or land or both, until he gives information.

71 Publication of notice of assessment list.

72 (1) Public notice of time fixed for revising assessment list.
(2) Revising authority.
(3) Objections how to be made.
(4) Hearing of objections.
(6) Authentication of list.
(7) Custody and inspection of list.
(8) Authenticated list how far conclusive.

73 (1) Amendment of assessment list.
(2) Objections how dealt with.
(3) Effect of amendments.

74 Notice to be given to the Municipal Council of demolition or removal of a building.

75 New Assessment list need not be prepared every year.

76 (1) Tax from whom primarily leviable.
(2) Recovery from occupiers.
(3) Remedy of occupier in such case.

77. Notice to be given to Municipal Council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

78 Form of notice.

79 Name of transferee to be substituted in the Municipal Registers.

80 Liability for payment of taxes on buildings or lands continue in the absence of notice of transfer.

81 (1) Remission of tax in case of vacancies ; when obligatory.
(2) When discretional.
(3) Burden of proof on claimant.
(4) Explanatory clause.

(3) *Power to charge fees.*

Sections.

82 (1) Municipal Council may charge fees for certain licenses.
(2) Levy of fees for unauthorised occupation or projection.
(3) Market and other fees.
(4) Farming of fees.
(5) Power of lessee to expel persons who refuse to pay fees.

(4) *Special provisions relating to certain taxes.*

83 (1) Fixed charges and agreements for payments in lieu of taxes for water supplied.
(2) Power to fix a special rate in lieu of special sanitary cess.
(3) Power to compound tax on vehicles or animals.
(4) Composition of toll.
(5) Recovery of sums claimed under this section.

84 Certain rights not affected by section 83.

85 Power of Government to suspend or prohibit levy of objectionable taxes.

86 Power of Government to require Municipal Council to impose taxes.

(5) *Octroi and tolls.*

87 Octroi by-laws to be submitted with proposals for imposition of octroi.

88 (1) Power to examine articles liable to octroi.
(2) Power to search where octroi is leviable.

89 (1) Presentation of bills for octroi.
(2) Penalty for evasion of octroi.

90 (1) Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.
(2) Seizure of articles on which octroi duties have not been paid and arrest of person in possession of such articles.
(3) Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

91 Tables of tolls to be shown on demand.

92 (1) Power to seize vehicles on non-payment of octroi or toll.
(2) Notice of sale.
(3) Release of property on payment.
(4) Sale.
(5) Surplus how dealt with.

93 Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

94 (1) Farming of tolls.

CHAPTER VIII.

Recovery of Municipal Claims.

Sections

95 (1) Presentation of bill for taxes.
(2) Contents of bill.
(3) If bill not paid within 15 days, notice of demand to issue.

96 (1) In what case warrant may issue.
(2) Warrant by whom to be signed.
(3) To whom the warrant should be addressed.
(4) Power of entry under special order.
(5) Warrant how to be executed.

97 (1) Sale of goods distrained in special cases.
(2) Sale of property distrained ; application of proceeds of sale.
(3) Surplus, if any, how dealt with.

98 Distraint and sale outside the Municipality.

99 Summary proceedings may be taken against persons about to leave the Municipality.

100 Fees and costs chargeable.

101 (1) Appeal to Magistrates.
(2) Revision of decisions on appeal.

102 Liability of lands, buildings, etc., for rates.

103 Receipts to be given for all payments.

CHAPTER IX.

Municipal Powers and Offences.

(1) *Powers in respect of streets.*

104 Power regarding streets, etc.

105 (1) Power to require repair of streets.
(2) And to declare such streets public.
(3) Power to declare any street a public street subject to objections by the owners.

106 Temporary closure of streets.

107 (1) New streets.
(2) Power of Municipal Council to pass orders.
(3) Right to proceed in certain cases.
(4) Penalty.

108 The regular line of public street.

(2) *Powers to regulate buildings, etc.*

109 (1) Setting back projecting buildings.
(2) Acquisition of land which is within the regular line of a street and upon or occupied only by platforms, etc.
(3) Compensation payable by the Municipal Council.

Sections.

110 Setting forward to regular line of street.

111 Buildings at corner of streets.

112 (1) Roofs and external walls of building not to be made of inflammable materials.
(2) Power to require removal of roof and wall if inflammable.
(3) Penalty.

113 Level of buildings.

114 Rat-proof building for warehouse for storing grains.

115 (1) Notice of new buildings.
(2) Power of Municipal Council to pass orders.
(3) Or to suspend the work or to require further particulars.
(4) Right to proceed in certain cases.

116 Power of Government to prohibit the erection of building in certain area without permission.

117 Regulation of huts.

118 Improvement of huts.

(3) *Power connected with drainage, water-works, etc.*

119 Municipal control over drains, etc.

120 Powers for making drains.

121 (1) Sufficient drainage of houses.
(2) New buildings not to be erected without drains.

122 Power of owners and occupiers of buildings or lands to drain into Municipal drains.

123 Sewage and rain water drains to be distinct.

124 (1) Right to carry drains through land or into drain belonging to other persons how and on what conditions to be authorised by Municipal Council.
(2) Written order of Municipal Council authority for execution of necessary work.

125 Work how to be carried out.

126 Rights of owner of land through which the drain is carried, in regard to subsequent building thereon.

127 Provision of privies, etc.

128 Cost of altering, repairing and keeping in proper order privies, etc.

129 Power to close existing private drains.

130 Power in respect of sewage, etc., unauthorisedly constructed, re-built or unstopped.

131 Encroachment on Municipal drains, etc.

Sections.

132 (1) Inspection of drains, etc.
(2) Expense of inspection when to be borne by the Municipal Council.

133 (1) Municipal Council may execute certain work under this sub-chapter without allowing option to persons concerned of executing the same.
(2) Expenses in such cases by whom to be paid.

134 Power of carrying water mains, etc.

(4) *Powers regarding external structures, etc.*

135 Permission necessary for certain projections.
(3) Removal of projection.

136 Troughs and pipes for rain water.

137 Fixing up brackets, etc., to houses.

138 Naming streets and numbering houses.

139 Penalty for defacing buildings, etc.

140 Removal and trimming of hedges, trees, etc.

(5) *Powers for promotion of public health, safety and convenience.*

141 (1) Ruinous or dangerous buildings.
(2) Action to be taken on default by owner or occupier. Proviso if danger is not imminent.

142 (1) Powers and duties with regard to dangerous, stagnant or insanitary sources of water supply.
(2) Remedy on non-compliance with directions issued.

143 (1) Displacing pavements, etc.
(2) Penalty for failure to replace after notice.

144 Obstructions and encroachments upon public fields and open space.

145 Holdings to be set up during repairs, etc.

146 (1) Provision of facilities when work is executed in public streets.
(2) Fencing and lighting during repairs, etc.

147 Timber not to be deposited or coal made in a street without permission.

148 Dangerous quarrying.

149 Provision as to dogs.

(6) *Powers for the prevention of nuisance.*

150 Depositing dirt, etc.

151 Discharging sewage, etc.

Sections.

152 Non-removal of filth, etc.

153 Removal of night-soil.

154 (1) Filthy buildings, etc.
(3) Deserted and offensive buildings.

155 Buildings or rooms in buildings unfit for human habitation.

156 Power to enter and inspect, etc., buildings.

157 Provision of bathing facilities.

158 Fouling water.

159 Abatement of nuisances from wells, etc.

160 Regulation or prohibition of certain kinds of cultivation.

161 Using offensive manure, etc.

162 (1) Tethering cattle, etc.
(2) Keeping swine.

163 Feeding animals on filth.

164 Licensing of goats and pigs.

165 Consumption of smoke.

166 Licenses to be taken for burning bricks.

(7) *Regulation of markets, sale of goods, etc.*

167 Licensing markets, slaughter houses and certain businesses.

168 Opening, closing and letting of markets and slaughter houses.

169 Slaughter houses, etc., beyond Municipal limits.

170 (1) Registry for shops for sale of European drugs.
(2) Certified dispensers.

171 Uncertified person dispensing drugs.

172 (1) Unwholesome articles of food and drink.
(2) Adulterated articles for food or drink.
Protection to persons acting in good faith.
(4) Application for summons to be refused, if not applied for within reasonable time.

173 False weights and measures and instruments for weighing.

(8) *Prevention of dangerous diseases.*

174 Power which may at any time be exercised.
(4) Penalties for disobedience of order passed in exercise of such powers.

Sections.

175. Duties of Municipal Council on threatened or actual outbreak of dangerous diseases.
(5) Penal clauses.

176 Withdrawal and modification of powers and orders.

177 Duties of Municipal Council in respect of disease among horses, dogs, cattle, sheep or goat.

178 (1) Proceedings to abate the overcrowding of the interiors of buildings.
(2) Procedure of Magistrate.

179 (1) Special powers which may be conferred by Government in respect of overcrowded areas notified by Government.

180 Closing places for disposal of the dead.

(9) *Nuisances from certain trades and occupations.*

181 (1) Regulation of certain trades.
(2) Liability to penalty after notice.
(4) Penalty for unlicensed places in a Municipality in which by-laws under section 51 (1) (*b*) (iii) are in force.

182 Factories in crowded localities.

183 Use of siren or whistle for summoning or dismissing workmen..

184 Brothels.

(10) *Service of notices and penalties on non-compliance therewith.*

185 (1) Service of notices, etc., addressed to individuals.
(2) Service of notices, etc., on owners and occupiers of buildings and lands.
(3) Public and general notices how to be published.
(4) Defective form not to invalidate notice or bill.
(5) Execution of act required to be done by any notice.

186 Punishment for disobedience to orders and notices not punishable under any section.

187 (1) Municipal Council in default of owner or occupier may execute work and recover expense.
(*a*) Agreement for construction of drainage and water connections.
(*b*) Improvement expenses.
(2) Power to levy charges on occupier, who may deduct the same from his rent.
(3) Occupiers not to be liable for more than the amount of rent due.

188 Occupier, in default of owner may execute work and deduct expenses from his rent.

Sections.

189 Proceedings, if any occupier opposes the execution of the Act.

(11) *Miscellaneous.*

190 Entry for purposes of the Act.

191 Arbitration in case of compensation, etc.

192 Costs or expenses how determined and recovered.

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

193 (1) Municipal Council may prosecute.
(2) Jurisdiction of Magistrate.

194 Power to compound offences.

195 Limitation for distraint, etc.

196 Distress lawful though defective in form.

197 Damage to property how made good.

198 Alternative procedure by suits.

199 Power of compromise.

200 Assistance for the recovery of rent on land.

201 Limitation of suits, etc.

202 Power of police officers.

CHAPTER XI.

MUNICIPAL ACCOUNTS AND ADMINISTRATIVE REPORTS.

203 Prohibition of expenditure not budgetted for.

204 (1) Presentation of accounts.
(2) Budget Estimates.

205 Revision of budget.

206 Maintenance of accounts and restrictions on expenditure.

207 Audit of accounts.

208 Power of Government Auditor.

209 (1) Duties of Government Auditor.
(2) Municipal Council to remedy defects.

210 Disallowance by Government Auditor and order by Deputy Commissioner.

211 Appeal from order of Deputy Commissioner.

Sections.

212 Recovery of amounts disallowed.
213 Transmission of accounts to Government.
214 Publication of accounts.
215 Annual Administration Report.

CHAPTER XII.

CONTROL.

216 Powers of inspection and supervision.
217 Power to inspect the office of Municipal Council.
218 (1) Deputy Commissioner's power of suspending execution of orders, etc., of Municipal Council.
(2) Deputy Commissioner's order to be reported to Government who may confirm or modify it.
219 Extraordinary powers of Deputy Commissioner in case of emergency.
220 Agency for execution of public works.
221 Special provision in regard to works executed by the Government.
222 Government inquiry into Municipal matters.
223 (1) Power of Government to prevent extravagance in the employment of establishment.
(2) Government may require any Municipal Council to appoint a Health Officer or an Engineer.
224 Power of Government to provide for performance of duties, in default of Municipal Council.
225 Power of Government to direct person in custody of Municipal fund to pay Government dues.
226 (1) Power of Government to dissolve or supersede Municipal Council in case of incompetency, default or abuse of powers.
(2) Consequences of exercise of such power.
(4) Power after enquiry to continue period of supersession.
227 Dispute between a City Municipal Council and one or more other local authorities.
228 Power of Government to make rules and orders.
229 Power of Government to cancel or modify by-law and rules of Municipal Councils.
230 Power of Government and of the Deputy Commissioners over subordinates.
231 Powers of officers acting for, or in default of, Municipal Council and liability of Municipal fund.
232 Restriction on the powers of the Deputy Commissioner.
232-A Power of Government to transfer municipal employees.
232-B Delegation of powers.

CHAPTER XIII.

APPOINTMENT AND POWERS OF CHIEF AND OTHER MUNICIPAL OFFICERS.

Sections

233 Appointment of Chief Officer.

234 Appointment of Health Officer and Engineer.

234-A Power of Government to assume powers of appointment by notification.

234-B Municipal Council to cease exercising powers of appointment in certain cases.

235 Duties of Chief Officer.

236 Powers of Chief Officer.

237 Chief Officer's powers of appointment and punishment.

238 Chief Officer may make explanations at meetings.

CHAPTER XIV.

MUNICIPAL COMMISSIONER, HIS POWERS AND DUTIES.

239 Appointment of Municipal Commissioner.

240 Removal from office.

241 (1) Salary of Municipal Commissioner.
(2) Prohibition of engagement in other business.

242 (1) Leave of absence.
(2) Leave of allowance.
(3) Appointment of substitute.

243 Contribution from Municipal Council towards pensions and leave allowances of Municipal Commissioners.

244 Power of Municipal Council to require returns, reports or production of documents.

245 Powers of Municipal Commissioners and limitations thereon.

246 Municipal Commissioner deemed to be authorised in certain matters although not expressly so authorised.

247 Punishment for persons disobeying lawful directions given by Municipal Commissioner.

248 Powers of Municipal Commissioner to appoint, grant leave, punish and dismiss.

249 Orders not subject to appeal except in certain cases.

250 Delegation of powers of Municipal Commissioner.

251 Power to execute contracts on behalf of Municipal Council.

252 Mode of executing contracts.

253 Tenders to be invited for contracts involving expenditure exceeding Rs. 500.

254 Security when to be taken for performance of contract.

(Chapter I—Preliminary)

MYSORE ACT No. VII OF 1933.

THE MYSORE CITY MUNICIPALITIES ACT, 1933.

(As amended by Acts I and III of 1938, *XXI of* 1939, *VII and XXVI of* 1940, *IX, XI, XXXII, XXXIV and XXXV of* 1943, *XIII and XVI of* 1950, *XXXVI of* 1951 *and* 19 *of* 1954.)

(Received the assent of His Highness the Maharaja on the twenty-eighth day of June 1933.)

An Act to make better provision for the management of Municipal affairs in Cities in [1][State of Mysore except Bellary District.]

WHEREAS it is expedient to make better provision for the management of municipal affairs in city municipalities in [1][State of Mysore except Bellary District], it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title. **1.** (1) This Act may be cited as the Mysore City Municipalities Act, 1933.

Local extent. (2) It extends to the [1][whole of the State of Mysore except Bellary District.]

Commencement. (3) It shall come into force on the first day of August 1933.

Repeal. **2.** On this Act coming into force, the enactments mentioned in schedule A shall be repealed in so far as they relate to city municipalities.

Provided that—

Saving clause. (*a*) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments ;

(*b*) all city municipalities constituted, municipal commissioners appointed, municipal councillors appointed or elected, committees established, limits defined, appointments, rules, orders and by-laws made, notifications and notices issued, taxes and rates imposed, contracts entered

1. See the Mysore Adaptation of Laws Order, 1953.

into, and suits and other proceedings instituted, under the said enactments or under any enactments thereby repealed, shall, so far as may be and so far as they relate to city municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Act; and

(*c*) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Interpretation section.

3. In this Act and in the schedules, unless there be something repugnant in the subject or context,—

[1](1) * * * *

(2) "annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon might reasonably be expected to let from year to year.

(3) "building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose and shall include also walls, verandahs, fixed platforms, plinths, door-steps and the like.

(4) "councillor" shall mean any person legally a member of a municipal council.

(5) "dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic or infectious disease by which the life of man is endangered.

[2][(5-a) 'Election Commissioner' shall mean any Judge having jurisdiction in the municipality appointed to be the Election Commissioner for the said municipality by the Government;

(5-b) 'Government' shall mean the State Government;]

(6) "judge" shall mean District Judge, Judge of a court of small causes, Subordinate Judge, or Munsiff.

(7) "land" shall include land which is built upon or covered with water.

[illegible]

(8) " municipal commissioner " shall mean a person appointed under the provisions of section 239 and shall include a person appointed to act as municipal commissioner under sub-section (3) of section 242.

(9) " municipal council " shall mean a city municipal council.

(10) " municipality " shall mean any local area which is at present a city municipality and any local area which may hereafter be constituted or declared as a city municipality under sections 4 and 5, if such municipality has not ceased to be a city municipality.

(11) " nuisance " shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property.

[1][(11-a) 'occupier' includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent-free tenant ;]

(12) " octroi " shall include a terminal tax.

(13) " official year " shall mean the year commencing on the first day of [2][April.]

(14) " owner " shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant : Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Act required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same ; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was

1. Inserted by Act XXXVI of 1951.
2. Substituted by Act XXXVI of 1951.

occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required.

(15) "prescribed" means prescribed by any rule made by the Government under this Act.

(16) "public securities" shall mean—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or

(*d*) a security expressly authorised by any order which the Government makes in this behalf.

(17) "public street" shall mean any street—

(*a*) over which the public have a right of way, or

(*b*) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds, or

(*c*) which under the provisions of section 105 is declared by the municipal council to be, or under any other provisions of this Act, becomes a public street.

(18) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government.

(19) "street" shall mean any road, footway, square, court, alley or passage accessible whether, permanently or temporarily to the public, whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any person as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not

include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

[1](20) * * *

(21) " tax " shall include any toll, rate, cess, fee or other impost leviable under this Act.

(22) " vehicle " shall include bicycles, tricycles and auto-motor cars, and every wheeled conveyance which is used or capable of being used on a public street.

(23) " whole number " shall mean when used with reference to the councillors of a municipal council the total number of councillors holding office at the time.

CHAPTER II.

Constitution of Municipal Councils.

(1) *Municipalities.*

Delimitation of city municipalities.

4. (1) Subject to the provisions of sections 6 and 7 the Government may, from time to time, by notification in the official Gazette, declare any local area to be a city municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any such municipality or declare that any local area shall, from a date to be specified in the notification, cease to be a city municipality.

Limits to be specified in notification.

(2) Every such notification constituting a new city municipality, or altering the limits of an existing city municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be.

Erection and maintenance of boundary marks

(3) It shall be the duty of the municipal council in every city municipality already existing and of every city municipal council newly constituted under this Act, and of every city municipal council whose local limits are altered as aforesaid, to cause, at its own cost to be erected or set up, if and when so required by the Deputy Commissioner, and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Deputy Commissioner, defining the limits or the altered limits of the

1. Clause 20 omitted by Act XXXVI of 1951.

(4) Before any town municipality is constituted into a city municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a city municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

What local areas may be declared to be city municipalities.

6. (1) Any local area which comprises—

(*a*) a city, town or station, or two or more neighbouring cities, towns and stations, with or without any village, suburb, or land adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a city municipality:

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any city, town, station or suburb in a city municipality with any other city, town, station or suburb from which it is separated by an extent of more than [1][two miles] of land unoccupied by houses; or

(ii) to constitute any city municipality in any area of which the population is less than twenty-five thousand.

Naming of municipalities comprising two or more places.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

City municipalities.

7. (1) Not less than two months before the publication of any notification declaring any local area a city municipality, or altering the limits of any such municipality, or declaring that any local area shall cease to be a city municipality, the Government shall cause to be published in the official Gazette, in English and Kannada, and to be posted up in conspicuous spots in the said local area in Kannada, a proclamation announcing that it is

1. Substituted by Act XXXVI of 1951.

municipality subject to its authority, as set forth in the notification.

Property and rights of municipal council which has ceased to exist to vest in Government.

(4) When any local area ceases to be a municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction.

Conversion of town municipalities into city municipalities.

5. (1) The Government may, at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the official Gazette that any town municipality as defined in the [1] Mysore Town Municipalities Act, 1933, which contains a population of not less than twenty-five thousand inhabitants shall, with effect from a date to be specified in the notification, be deemed to be a city municipality constituted under this Act, and may at any time cancel such declaration.

(2) The provisions of the [1] Mysore Town Municipalities Act, 1933, shall not apply to any municipality declared as a city municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made, issued or imposed under the [1] Mysore Town Municipalities Act, 1933, in respect of a municipality declared as a city municipality, so far as is not inconsistent with the provisions of this Act, and any appointment, notification, order, scheme, rule, by-law or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act, or of such other law in respect of the city municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made or issued under this Act, or such other law.

---

1. Repealed and re-enacted as Mysore Town Municipalities Act, 1951.

(4) Before any town municipality is constituted into a city municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a city municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

What local areas may be declared to be city municipalities.

6. (1) Any local area which comprises—

(*a*) a city, town or station, or two or more neighbouring cities, towns and stations, with or without any village, suburb, or land adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a city municipality:

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any city, town, station or suburb in a city municipality with any other city, town, station or suburb from which it is separated by an extent of more than [1][two miles] of land unoccupied by houses; or

(ii) to constitute any city municipality in any area of which the population is less than twenty-five thousand.

Naming of municipalities comprising two or more places.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

City municipalities.

7. (1) Not less than two months before the publication of any notification declaring any local area a city municipality, or altering the limits of any such municipality, or declaring that any local area shall cease to be a city municipality, the Government shall cause to be published in the official Gazette, in English and Kannada, and to be posted up in conspicuous spots in the said local area in Kannada, a proclamation announcing that it is

1. Substituted by Act XXXVI of 1951.

proposed to constitute such local area a city municipality, or to alter the limits of the municipality in a certain manner or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Deputy Commissioner within two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the municipal council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(2) The Deputy Commissioner shall, with all reasonable despatch, forward every objection so submitted to the Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

(2) *Municipal Councils.*

Constitution and incorporation of city municipal councils.

8. In every municipality, there shall be a municipal council, and every such municipal concil shall be a body corporate by the name of " the municipal council of . .," and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

Constitution of municipal councils.

[1][**9.** (1) Every municipal council shall consist of such number of councillors as the Government may, from time to time, by order determine.

(2) Subject to the provisions of sub-section (3) all the councillors of every municipality shall be elected.

(3) Any vacancies due to failure to elect the full number of councillors and any vacancy due to failure to elect a councillor under section 16 or 17, shall, notwithstanding anything contained in this Act, be filled up by appointment by the Government.]

Reservation of seats for scheduled castes.

[2][(1) Seats shall be reserved for the scheduled castes among the number of seats fixed under sub-section (1) of section 9. The number of seats so reserved shall bear as nearly as may be, the same proportion to the

1. Substituted by Act XXXVI of 1951.
2. Sections 10, 10A and 10B substituted by Act XXXVI of 1951.

number of seats fixed under sub-section (1) of section 9 as the population of the scheduled castes bears to the total population of the municipality :

Provided that this sub-section shall cease to have effect after ten years from the commencement of the Mysore City Municipalities (Amendment) Act, 1951 :

Provided further that the preceding proviso shall not affect any representation in a municipal council until the expiry of the term of office of its members.

(2) Nothing contained in this section shall be deemed to prevent members of the scheduled castes for whom seats have been reserved in a municipal council from standing for election to the non-reserved seats in the council.

Territorial divisions for elections.

10-A. (1) For the purposes of election of councillors to fill the seats under sub-section (1) of section 9, the municipality shall be divided into as many territorial divisions as there are councillors to be elected, the boundaries of which shall, after consultation with the municipal council, be fixed by the Government by notification in the official Gazette.

(2) The Government may, after consultation with the municipal council, by notification in the official Gazette alter the boundaries of any such division.

(3) For each of the territorial divisions, only one councillor shall be elected.

Qualification for enrolment in the election roll.

10-B. (1) Every person of either sex who was not less than twenty-one years of age on the first day of April of the year preceding that in which the election roll is published and who is not otherwise disqualified under this Act shall be included in the election roll as qualified to vote at the election for any of the divisions referred to in sub-section (1) of section 10-A.

(2) No person shall be included in such election roll as qualified to vote at such election unless he has resided in such division for one hundred and eighty days in the aggregate in the year preceding that in which the election roll is published :

Provided that a person shall not be deemed to be disqualified under this sub-section if he is employed in the city municipality and non-residence in the division for the period aforesaid is due to his absence on leave out of the State.

Explanation.—For the purpose of this sub-section, no person shall be deemed to reside in more than one division.]

Operation of lists.

11. (1) When in accordance with the rules made under clause (b) of sub-section (2) of section 228, a list of voters has been prepared or revised, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the municipal election roll. The election roll shall come into force from the date of its publication and shall continue in force for a period of [1][four years] or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new election roll shall be published.

Provided that—

(*a*) in the case of an election held after an election roll has ceased to have force and before the publication of the new election roll, the old election roll shall continue to operate as the election roll;

(*b*) at any time any person whose name is not in the election roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the election roll the name of every such person whose claim is proved to its satisfaction;

(*c*) the prescribed authority shall at any time expunge from the election roll the name of every person proved to its satisfaction to be dead or no longer to possess the qualification of a voter and may likewise correct any clerical error or omission in the election roll after affording the person affected an opportunity of being heard;

(*d*) no change in the election roll shall be made under provisos (*b*) and (*c*) within one month preceding the date fixed for an election.

---

1. Substituted by Act XXXVI of 1951.

(Chapter II—Constitution of Municipal Councils)

(2) At every election of councillors, every person enrolled in the municipal election roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote. Right to vote to depend on entry in roll.

(3) A person shall not be qualified to be elected as a councillor unless he is enrolled in the municipal election roll and a person who is already a councillor shall not be qualified to be a candidate at a by-election held before his term of office as a councillor expires : Enrolment in municipal election roll necessary for elected councillor.

[1] * * * *

(3) *Municipal Councillors.*

12. (1) (A) No person may be a councillor—

(*a*) (i) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or General disqualifications for becoming a councillor.

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(iii) who has been dismissed from municipal, district board or Government service, such dismissal having been notified as debarring him from re-employment, or.

[2][(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or,]

(v) who has been removed from office under section 14 of this Act or section 14 of the [3] Mysore Town Municipalities Act, 1933, or under section 14 of the Mysore Minor Municipalities Act, 1933, or

(*b*) who is an undischarged insolvent, or

(*c*) who is less than twenty-one years of age, or

(*d*) who is a judge ; and

1. Proviso to sub-section (3) of section 11 omitted by Act XXXVI of 1951.
2. Substituted by Act XI of 1943.
3. Repealed and re-enacted as Mysore Town Municipalities Act, 1951.

(B) no person—

(*a*) who is a subordinate officer or servant of a municipal council, or

(*b*) who save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by, or on behalf of a municipal council or,

(*c*) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practioner against a municipal council,

may be a member of such municipal council.

Provided that—

(a) the disqualification in sub-clause (*ii*) of clause (A) (*a*) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(b) the disqualification in sub-clauses (*i*), (*iii*), [1]and (*v*) of clause (A) (*a*) will cease to operate after the expiry of three years from the date of such sentence, dismissal, [1] * * or removal or earlier by an order of the Government ;

(*c*) a person shall not be deemed to have incurred disqualification under clause (B) (b) by reason of his—

(*i*) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(*ii*) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the [2]Mysore Co-operative Societies Act, 1918, which shall contract with or be employed by, or on behalf of, the municipal council, or

(*iii*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

1. The brackets and figures "(*iv*)" and the word " withdrawal " omitted by Act XI of 1943.

2. Repealed and re-enacted as Mysore Act LII of 1948.

(*iv*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipal council, or

(*v*) having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding, in any one official year, such amount as the municipal council, with the sanction of the Government, may fix in this behalf, or

(*vi*) having a share or interest in the occasional letting out on hire to the municipal council or in the hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipal council with the sanction of the Government may fix in this behalf; or

(*vii*) being a party to any agreement made with the municipal council under the provisions of section 83 or of proviso (*a*) to sub-section (1) of section 187.

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

[1][Provided further that nothing in this section shall invalidate the election of any person if the disqualification is such as could have been brought to the notice of the Returning Officer at the time of or before the scrutiny of the nomination papers and has not been so brought to his notice.]

Disabilities from continuing to be a councillor.

(2) If any councillor during the term for which he has been elected or appointed—

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(b) votes or takes part as a councillor in the discussion of any matter—

(*i*) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (*i*), (*ii*), (*iii*), (*v*) or (*vii*) of clause (*c*) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

1. Added by Act XXXVI of 1951.

(*ii*) in which he is professionally interested on behalf of a principal or other person, or

(*iii*) in which he is engaged at the time in any proceeding against the municipal council, or

[1](*c*) * * *

[2](*d*) * * *

absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(*e*) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor, and his office shall become vacant.

A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

Power of Government to decide whether vacancy has occurred.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Resignation.

13. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. The president may resign his membership or his office as president by giving a notice in writing to that effect to the Government. If such resignation is accepted it shall take effect from the date on which the intimation of such acceptance reaches the office of the president.

Liability to removal from office.

14. The Government, if it thinks fit, on the recommendation of the municipal council may remove any councillor elected or appointed under this Act, after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any dis-

1. Clause (c) of sub-section (2) of section 12 omitted by Act XXXVI of 1951.
2. Certain words omitted by Act XXXVI of 1951.

graceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

15. Councillors [1][elected at a general election or appointed] under this Act shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 14, or section 226, hold office for a term of [1][four years] extensible by order of the Government to a term not exceeding in the aggregate [1][five years] if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the official Gazette, so to extend the same.

Casual vacancies how to be filled up.

16. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 20, or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies occurring by increasing the number of councillors.

17. In the event of a vacancy occurring by increasing the number of councillors in any municipal council under [1][sub-section (1) of section 9] such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment as the case may be, of a person thereto who shall hold office till the next general election or for such period as the Government may in this behalf notify in the official Gazette.

Re-eligibility of councillors.

18. A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Publication of names of councillors and presidents and vice-presidents in the official Gazette.

19. The names of all councillors finally elected to any municipal council as well as the names of the [2] * * councillors, if any, appointed thereto, and the names

1. Substituted by Act XXXVI of 1951.
2. The word "nominated" omitted by Act XXXVI of 1951.

of all elected or appointed presidents and vice-presidents shall be published as soon as conveniently may be, in the official Gazette.

(4) *Municipal Elections.*

Determination of validity of elections; [1][enquiry by the Election Commissioner]; Procedure.

20. (1) At any time within ten days after the date of the [1][publication in the official Gazette under section 19 of the name of the person elected as a councillor] or of a president under clause (a) of sub-section (2) of section 23, any candidate who stood for election or any ten persons qualified to vote at that election may apply, together with a deposit of one hundred rupees as security for costs to the [1][Election Commissioner] within which the election has been or should have been held for the determination of the validity of the election.

(2) [1][The Election Commissioner] may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the said [1][Eelection Commissioner] may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the High Court from the order of the [1][Election Commissioner] provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the [1][Election Commissioner] sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

1. Substituted by Act XXXVI of 1951.

Declaration in case of corrupt practice by a candidate.

(3) (*a*) The [1][Election Commissioner] if satisfied that a candidate has, within the meaning of sub-section (4) committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Scrutiny of votes and declaration in other cases.

(b) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the [1][Election Commissioner] shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected:

Provided that for the purpose of such computation, no vote shall be reckoned as valid if the [1][Election Commissioner] finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

What is a corrupt practice.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,—

(i) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or,

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate when deemed to have committed corrupt practice.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Promise of individual profit.

Explanation.—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

1. Substituted by Act XXXVI of 1951.

Mere irregularities and informalities not to invalidate election.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (b) of sub-section (2) of section 228 or clause (*a*) of sub-section (2) of section 23 or of an irregularity or informality not corruptly caused, the [1][Election Commissioner] shall not set aside the election.

Explanation.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or rules made thereunder whereby the result of election has been materially affected.

Disqualification of candidate for corrupt practice.

(6) If the [1][Election Commissioner] sets aside an election under clause (*a*) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor or president or both in that or any other municipality constituted under this Act or the [2]Mysore Town Municipalities Act, 1933, or under the [2]Mysore Minor Municipalities Act, 1933, for a term of years not exceeding seven and the judge's decision shall be conclusive :

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made. Provided further, that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification.

Bar of suits relating to elections, etc.

21. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised, by the provisions of this Act or any rule made under this Act.

(5) *Municipal Government.*

Municipal Government to vest in the municipal council.

22. (1) Except as in this Act otherwise expressly provided, the municipal government of a municipality vests in the municipal council.

1. Substituted by Act XXXVI of 1951.
2. Repealed and re-enacted as Mysore Town Municipalities Act, 1951.

(2) In a municipality for which there is a municipal commissioner, the executive power for the purpose of carrying out the provisions of this Act vests in the municipal commissioner, subject, wherever it is in this Act expressly so directed, to the approval or sanction of the municipal council and subject also to all other restrictions, limitations and conditions imposed by this Act.

(6) *Presidents and Vice-Presidents.*

Every municipal council to have a president and if the municipal council so desires, a vice-president.

23. (1) For every municipal council, there shall be a president, and if and whenever the municipal council so desires, a vice-president.

President to be appointed or elected.

(2) The president may be—

(*a*) If the Government so directs, elected by persons entitled to vote under sub-section (2) of section 11 subject to the rules prescribed in this behalf, or

(*b*) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(*c*) appointed by the Government by name, or

(*d*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which, the Government from time to time, notifies in this behalf.

Effect of notification of *ex-officio* president.

(3) When an office has been notified under clause (*d*) of sub-section (2), the person from time to time executing the functions of that office shall continue to be president, unless and until such notification is altered or rescinded by the Government.

Vice-president to be elected.

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

(5) [1] * * *If any municipal council fails to elect a president or vice-president within such reasonable time as may be specified in a notice issued by the Government in this behalf, the president or vice-president, as the case may be, may be appointed by the Government.

1. The first sentence omitted by Act XXXVI of 1951.

When Deputy Commissioner may perform functions of president.

(6) During a vacancy in the office of the president of a municipal council and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being, shall notwithstanding anything contained in this Act or in the rules or notifications issued thereunder, perform the functions of the president.

Consequence of absence of president or vice-president without leave.

(7) Except in the case of a salaried servant of the Government who is either an appointed or *ex-officio* president, every president who, for a priod exceeding two months and every vice-president who for a period exceeding one month, shall absent himself from the muuicipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted—

(*a*) by the Government in the case of a president appointed by the Government,

(*b*) by the municipal council in other cases.

Limit of grant of leave and arrangements during leave.

(8) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors whether the president was elected under clause (*a*) *or* (*b*) of sub-section (2), within such period and in such manner as may be prescribed. If the council fails to elect the president or if the appointment of the president was under clause (*c*) of sub-section (2), the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by election of some other councillor thereto.

Vacation of office by vice-president on becoming president.

(9) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

Vacation of office by president and vice-president for want of confidence.

(10) Every president, other than a salaried servant of the Government appointed *ex-officio* or by name as president and every vice-president of a municipal council shall forthwith be deemed to have vacated his office;

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose ; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other.

Removal of presidents and vice-presidents.

(11) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Explanation.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Term of office of president and vice-president.

(12) The term of office of every president and of every vice-president shall, save as otherwise provided in this Act, cease on the expiry of his term of office as councillor :

Provided that in the case of elected presidents or vice-presidents or both, the Government may, in special cases, with the consent of the municipal council concerned, direct that their term be limited to one year and that elections therefor be held every year.

Vacancies in their office how to be filled up.

(13) In the event of the non-acceptance of office, death, resignation or removal from office of a president or vice-president other than an *ex-officio* president or of his election or appointment being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 12, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the

Government may appoint any person to perform all the duties and exercise all the powers of a president or vice-president during such vacancy.

[1][(13-A) In cases not otherwise provided for, if the President of a Municipal Council is, for any reason, unable to perform his duties or exercise his powers as President or is disabled or prevented from performing or exercising such duties or powers, the Government may, for the period during which he is unable or disabled or prevented, authorise the vice-president, or, in his absence or on his neglect or inability, the Municipal Commissioner, to perform all the duties and exercise all the powers of the President under this Act.]

Remuneration of president and vice-president of municipal council.

(14) The president or vice-president of any municipal council who is not a Government officer may receive out of the municipal fund such monthly allowances as such municipal council may sanction from time to time with the approval of the Government. It shall be lawful for any municipal council to pay out of the municipal fund with the sanction of the Government, salary or allowances to any Government officer who is appointed as president.

Functions of presidents.

24. (1) Subject to the provisions of chapter XIII and XIV, it shall be the duty of the president of a municipal council to—

(*a*) preside, unless prevented by reasonable cause, at all meetings of the municipal council, and, subject to the provisions of the rules for the time being in force under clause (*a*) of section 49, to regulate the conduct of business at such meetings ;

(*b*) watch over the financial and executive administration of the municipal council ;

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Act ;

(*d*) subject to the provision of section 38 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the municipal council over which he presides ;

---

1. Added by Act XXXIV of 1943.

(*e*) exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council; and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*f*) furnish to the Government a copy of every resolution passed at any meeting of the municipal council; and

(*g*) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Deputy Commissioner or the officer authorised by the Government in this behalf from time to time calls for under section 216.

(2) In a municipality for which there is neither a chief officer, nor a Municipal Commissioner, the president shall, notwithstanding anything contained in chapters XIII and XIV and independently of such executive functions as are allotted to him by or delegated to him under any other provision of this Act, exercise all the powers that may be exercised by a municipal commissioner in the municipality and the provisions of section 247 shall be applicable to every disobedience or failure to comply with a lawful direction given by the president in exercise of such powers as if he were the municipal commissioner for the municipality.

Channel of communication with Government.

(3) All correspondence between a municipal council and the Government shall be conducted through the president. The president shall without delay transmit all communications addressed through him by the municipal commissioner to the Government or by the Government to the municipal commissioner.

Custody of records.

25. In a municipality for which there is a municipal commissioner, the municipal commissioner, and in every other municipality the president, shall be responsible for the custody of all records of the municipal council including all papers and documents connected with the proceedings of the council, the managing committee and other committees and shall arrange for the performance

of such duties relative to the proceedings of the said bodies as they may respectively impose.

Functions of vice-presidents.

26. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him in accordance with the general or special orders of the Government issued in this behalf.

(2) It shall be the duty of the vice-president—

(*a*) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding exercise the same authority as is vested in the president under clause (a) of sub-section (1) of section 24; and

(*b*) pending the succession, appointment, or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

(3) When the Deputy Commissioner has been appointed *ex-officio* president of a municipal council, notwithstanding anything contained in section 9 of the Mysore Land Revenue Code, the vice-president shall exercise the powers and perform the duties of the president during the period when the office of the president is vacant.

CHAPTER III.

Conduct of Business.

(1) *Municipal Meetings.*

Provisions in regard to meetings of a municipal council.

27. The following provisions shall be observed with respect to the meetings of a municipal council :—

Ordinary general meetings.

(1) There shall be held an ordinary general meeting in each month for the disposal of general business. It shall be the duty of the president to fix the dates for all ordinary general meetings.

Special general meetings.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request.

Notice to be given of meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the councillors, and posted up at the municipal office or some other public building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat, and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting:

Provided that the motion or proposition of which a councillor or councillors shall have given notice shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Act.

Municipal meetings to be held at municipal office.

(4) Every meeting of a municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal council.

Meeting how presided over in the absence of both the president and vice-president.

(5) Every meeting shall in the absence of both the president and vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (*a*) of sub-section (1) of section 24.

Meeting must ordinarily be open to the public.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipal council such as should

be held in private, provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

Number of councillors required to form a quorum.

(7) If less than one-third [1][or during such time as Government may by notification in the Official Gazette direct less than one-fifth] of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for not less than fifteen and not more than thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting provided that not less than one-fifth of the whole number of councillors or five councillors whichever is greater [1][or during such time as Government may by notification in the Official Gazette direct not less than four councillors] be present. Any subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought before the next ordinary general meeting, or if necessary or expedient, at a special general meeting.

Business to be transacted at meetings, and order of business how to be settled.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or, in the case of a special general meeting in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings to be kept.

(9) There shall be kept in English, and if the municipal council so resolves in Kannada also, minutes of

1. Inserted by Act XXXIV of 1943.

the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipality.

All questions must be decided by a majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 49.

Councillor not to vote on questions in which he has pecuniary interest.

(11) No councillor shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of the council if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.

(12) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

Adjournments of meetings.

(13) Any general meeting may, with the consent of a majority of the councillors present [1][or during such time as the Government may by notification in Official Gazette direct with the consent of not less than four-fifths of the whole number of councillors present], be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

1. Inserted by Act XXXIV of 1948.

Modification and cancellation of resolutions.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of councillors at a general meeting whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.

(15) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by a Government Executive Engineer, shall be transacted at any meeting of a municipal council unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Certain Government officers may attend meetings of municipal councils.

(16) (*a*) The Executive Engineer, the principal officer of health in the district and any other officer approved and notified by the Government in this behalf, if not members of a municipal council within the district, shall have the right of being present at any meeting of such municipal council, and, with the consent of the municipal council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipal council :

Provided that the said officers shall not, unless they are members of the municipal council, be entitled to vote upon any such question.

Municipal council may require the presence of certain of the said officers at their meetings.

(*b*) If it shall appear to a municipal council that the presence of the Executive Engineer or the principal officer of health in the district or any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting of such municipal council, it shall be competent to such municipal council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to

require his presence thereat; and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting:

Provided that such officer on receipt of such letter may, if unable to be present himself instruct a deputy or assistant or other competent subordinate as to his views, and may send him to the meeting as his representative, instead of appearing thereat in person.

Explanation.—The term "Executive Engineer" in sub-sections (15) and (16) of this section includes the principal Engineering officer in or for the district.

Right of municipal commissioner to be present and to speak at municipal meetings.

28. (1) A municipal commissioner shall have the same right of being present at a meeting of the municipal council or the managing or other committee and of taking part in the discussion thereat as a councillor and with the consent of a majority of the councillors present, ascertained by a show of hands without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting.

(2) The municipal commissioner shall attend any meeting of the municipal council or of the managing or other committee if required to do so by the president.

Rights and privileges of individual councillors and president.

29. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such regulations as may be framed by the council.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the municipal commissioner, when there is one, and in other cases to the president, provided that the municipal commissioner or the president may for reasons given in writing forbid such access. The councillor may appeal from the order of the municipal commissioner to the president whose decision shall be final.

(4) In a municipality for which there is a municipal commissioner, the president shall have full access to all the records of the municipal council and the municipal commissioner shall comply without unreasonable delay with any requisition of the president for any information appertaining to the municipal administration.

(2) *Committees.*

Managing Committee.

30. (1) For every municipal council there shall be a committee called the managing committee, consisting of the president and such number of councillors not exceeding eight or less than two as may have been elected for a period not exceeding one year, in accordance with rules under clause (*a*) of section 49.

Powers of managing committee.

(2) The managing committee shall, subject,

(i) to any limitations prescribed by the municipal council specially in this behalf and generally by rules made under clause (*a*) of section 49 ; and

(ii) to the provisions of chapters XIII and XIV,

exercise all the powers of the municipal council :

Provided that no managing committee shall exercise any powers with which any committee appointed under section 31 is vested.

Other Committees.

31. The municipal council may constitute in addition to the managing committee constituted under section 30, any other committee for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them ; or may appoint individual councillors or committees, to enquire into and report or advise on any matters which it may refer to them.

When persons other than councillors may serve on committees.

32. Notwithstanding anything contained in this Act, it shall be lawful for the municipal council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint as members of any committee under section 31, any persons who are not councillors, but who may in the opinion of such municipal council possess special qualifications for serving on such committees, provided that the

number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee.

All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons. Duties, etc., of such persons.

33. A vacancy occurring in a managing committee shall as soon as possible, and a vacancy occurring in any other committee may, be filled up by the election of a member thereto subject to the same provisions as those under which the member whose place is to be filled up was elected. A person elected under this section shall hold office so long only as the person in whose place he is elected would have held it if the vacancy had not occurred. No person shall be ineligible at any time for election as a member of any such committee on the ground that he has previously been a member of that committee. Casual vacancies—Re-eligibility.

34. (1) The president, if a member of any committee, shall be *ex-officio* chairman thereof. When chairman to be *ex-officio*.

(2) The vice-president, if appointed a member of any committee of which the president is not a member, shall be *ex-officio* chairman thereof.

(3) The municipal council may appoint a chairman for every committee of which there is no *ex-officio* chairman. When no *ex-officio* chairman, municipal council may appoint chairman.

(4) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipal council, shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting. When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(5) Every committee, of which there is no *ex-officio* chairman or chairman appointed by the municipal council, shall appoint from time to time its own chairman from among its own members. If there is no chairman, *ex-officio* or appointed by the municipal council.

(*Chapter III—Conduct of Business*)

Procedure at meetings.

35. (1) The provisions of sub-sections (4), (9), (10) and (16) of section 27 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipal council contained in those provisions, and as if for the words "municipal council" where they occur in the proviso to clause (*a*) of sub-section (16) of section 27, there were substituted the word "committee."

If the chairman of any committee has been absent from the municipality for a period exceeding fifteen days, the president or vice-president may, in his absence, call a meeting thereof:

Provided that notwithstanding anything to the contrary contained in sub-section (9) of section 27, committees may record their proceedings either in English or in Kannada as they may think fit.

Committees shall meet when they think proper.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall, upon the written request of the president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request call a special meeting of such committee.

Number of members required to form quorum at committee meetings.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat.

Procedure by circular.

36. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of any executive officer of the municipal council, for the observation and votes of the members of the committee.

Propositions when to be sent to Government officers for remarks.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of section 27, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (*b*) of sub-section (16) of section 27, desires to record.

(*Chapter III—Conduct of Business*)

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeing is convened to consider the said proposition. Decisions how to be taken on propositions circulated

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book. and how to be recorded.

37. (1) Every committee shall conform to any instructions that may from time to time be given to it by the municipal council ; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon. Subordination of committee to instructions of municipal council and compliance with requisitions of municipal council.

(2) Every order passed by a committee appointed under section 30 or 31 shall be subject to revision by, and open to appeal to, the municipal council in accordance with rules that may be framed by the municipal council in this behalf. Orders subject to revision and appeal.

(3) *Delegation of Powers to individuals.*

38. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipal council may be delegated, in accordance with rules to be made by the municipal council in this behalf, to the president or to the vice-president, or to the chairman of any committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a chief officer under Chapter XIII or on any committee by or under section 30 or 31 ; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein : Powers, duties and functions may be delegated to officers whose expenses may be paid.

Provided that in a municipality for which there is a municipal commissioner the powers or duties or executive functions under this Act or under any rule or bye-law made hereunder conferred or imposed upon or vested in the municipal commissioner shall not be delegated save as provided in section 250.

(*Chapter III—Conduct of Business*)

(4) *Validity of Proceedings.*

Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

39. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the municipal council or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

No resolution of a municipal council or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any councillor or member, provided that the proceedings of the municipal council or committee were not prejudicially affected by such irregularity.

Proceedings of meetings to be good and valid, until the contrary is proved.

(2) Until the contrary is proved every meeting of the municipal council or of a committee appointed under this Act, in respect of the proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Vacancy not to affect municipal council's proceedings.

(3) During any vacancy in a municipal council or committee, the continuing councillors or members may act as if no vacancy had occurred.

(5) *Joint Transactions with other Bodies.*

Joint committees of two or more municipal councils.

40. A municipal council may from time to time join with any other municipal council constituted under this Act or under the [1] Mysore Town Municipalities Act, 1933, or the [1]Mysore Minor Municipalities Act, 1933, or with any district board, or with more than one such municipal council or board

(i) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee;

1. Repealed and re-enacted as Mysore Town Municipalities Act, 1951.

(ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies ; and

(iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government or of such officer as it appoints in this behalf, shall be final.

(6) *Contracts.*

Competency of municipal council to lease, sell and contract.

41. (1) Every municipal council shall be competent, subject to the restrictions contained in sub-section (2), to lease, sell or otherwise transfer any moveable or immoveable property which may, for the purposes of this Act, have become vested in or been acquired by it and, so far as is not inconsistent with the provisions and purpose of this Act, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes. .

Subject in certain cases to sanction of Government.

(2) In the case of every free grant of immoveable property whatever may be its value and of every lease for a term exceeding seven years, and of every sale or other transfer of immoveable property exceeding two thousand rupees in value the previous sanction of the Government is required.

Sanction by resolution at general meeting requisite to validity of certain contracts.

(3) In the case—

(*a*) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immoveable property,

(*b*) of every contract which will involve expenditure not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the municipal council by a resolution passed at a general meeting is required.

Sanction of municipal council when requisite in other cases.

(4) In the case of a contract for the purchase of moveable property, or for the sale of any moveable property belonging to a municipal council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts exceeds two thousand rupees, the sanction of the municipal council is required

When tenders should be invited.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding five hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council from persons willing to enter into such contract and, when the estimated value exceeds fifteen thousand rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

Sanction by committees and individuals empowered.

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of such committee or of such individual as under the provisions of this Act or of the rules for the time being in force thereunder, is empowered in this behalf, is required.

Mode of executing contracts.

(7) Every contract entered into by or on behalf of a municipal council, other than a contract to which sub-section (6) applies, shall be in writing and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other individual, as is empowered in that behalf, in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Invalidity of contracts unless requirements of section are fulfilled.

(8) No contract shall be binding on a municipal council unless the requirements of this section shall have been complied with.

(9) The provisions of this section shall be subject to the provisions of section 57 and chapters XIII and XIV.

(*Chapter III—Conduct of Business*)

Contracts by officers appointed by Government to execute municipal works and payment for such works.

42. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

(7) *Compulsory Acquisition of Land.*

Acquisition of land.

43. When any land, whether within or without the limits of the municipality, is required for the purposes of this Act, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Land Acquisition Act, 1894, and on payment by the municipal council of the compensation awarded under that Act and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

(8) *Liabilities of Councillors, Officers and Servants.*

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

44. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president, members and officers for loss, waste or misapplication.

(2) Every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the municipal commissioner, the chief officer, or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Act, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

Officer or servant of any municipal council not to be interested in any contract with such municipal council.

45. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a municipal council, or in any employment with, under, by, or on behalf of, a municipal council, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

Effect of acquiring such interest.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

Saving clause.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a municipal council as, under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without his being thereby disqualified for being a councillor.

Penalty for councillor, officer or servant of a municipal council being intrested in any contract, etc., with that municipal council.

46. (*a*) Any councillor who knowingly acquires directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of, a municipal council of which he is a member, not being a share or interest such as, under section 12, it is permissible for a person to have, without being thereby disqualified for being a councillor, and,

(*b*) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a municipal council of which he is an officer or servant, not being a share or interest such as under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

Notice to sweepers and scavengers before discharge.

47. (1) In the absence of a written contract to the contrary, every sweeper or scavenger employed by the municipal council shall be entitled to one month's notice

before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of sweepers and scavengers without notice.

(2) Should any sweeper or scavenger employed by the municipal council, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the municipal council, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

(3) The Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers or scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

Councillors, etc., to be deemed public servants.

48. (1) Every municipal councillor, officer or servant, every auditor appointed under section 207 and every lessee of the levy of any municipal tax and every servant or other person employed by any such lessee, and every auditor shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

CHAPTER IV.

Rules and By-laws.

Municipal councils to make rules.

49. Every municipal council shall make rules not inconsistent with this Act or with the rules made by the Government under section 228 and may from time to time alter or rescind them—

Regulating the conduct of business.

(*a*) regulating the conduct of its business and the delegation of any of its powers or duties and the appointment and constitution of committees;

Fixing the functions of the president and the establishment.

(*b*) (i) determining the executive functions to be performed by the president, vice-president, the chairman of any committee, the chief officer or the municipal commissioner and the delegation of any of its powers or duties to such persons;

(ii) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees, and absentee or other allowances of such officers and servants and the powers and duties delegated to them under section 38;

For general guidance of municipal servants.

(*c*) generally for the guidance of its officers and servants in all matters relating to the municipal administration;

Fixing the amount of the security to be furnished.

(*d*) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security;

Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.

(*e*) determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant;

Granting leave to municipal servants.

(*f*) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave;

Contributing to provident funds.

(*g*) authorising the payment of contributions at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal council or with the approval of the municipal council by the said officers and servants;

Prescribing the taxes, etc., to be levied for municipal purposes.

(*h*) prescribing, subject to the provisions of chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the limits of the charges or payments to be fixed in lieu of any tax under section 83, and the fees to be charged for licenses or permissions granted under section 82, and the times at which and the mode in which

the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of moveable property under section 97 shall be held;

For writing off amounts due and remitting fees.

(*i*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted.

Provided that—

Approval required to rules.

(i) no rule made or any alteration or rescission of a rule made by a municipal council under this section shall have effect unless and until it has been approved by the Government,

(ii) that no municipal council shall, except with the assent of the Government dispense with the services of any officer transferred from the service of the Government to the service of the municipal council or employed partly by the Government and partly by the municipal council or finally dismiss from the service of the municipal council any officer transferred from the service of the municipal council to the service of the Government.

Power to suspend, reduce or abolish any existing tax.

50. (1) Subject to the requirements of proviso (i) to section 49, every municipal council may, except as otherwise provided in clause (*b*) of the proviso to section 86, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending, altering or rescinding, any rule prescribing such tax.

(2) The provisions of chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescission of any rule prescribing a tax.

Power to make by-laws.

51. (1) Every municipal council may from time to time, with the previous sanction of the Government make, alter or rescind by-laws, not inconsistent with this Act—

For markets and slaughter houses, etc.

(*a*) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein ; for regulating the sale of fruit and vegetables in the municipal markets or other specified places ; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council ;

For licensing, regulating and inspecting certain businesses.

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipal council—

(i) as a slaughter-house ;

(ii) as a market or shop for the sale of animals intended for human food, or of meat or of fish, or as a market for the sale of fruit or vegetables ;

(iii) for any of the purposes mentioned in section 181 ;

(iv) as a dairy, hotel, restaurant, eating-house, coffee-house, sweetmeat-shop, bakery, boarding house, or lodging house (other than a students' hostel under public or recognised control) or for manufacturing ice or ærated waters ;

(v) as a place for the preparation or manufacture of oil ;

(vi) for parching grain or bengalgram on a large scale ; or

(vii) for any other purpose for which the taking out of a license is or may be prescribed ;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom ;

Regulating the stalling of cattle, etc.

(*c*) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-

laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health ;

For regulating dairies and cattle-sheds.

(*d*) (i) for the inspection of milch-cattle, and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers ;

Milk stores, etc.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or buttermen for milk or butter ;

For inspection of weights and measures.

(*e*) for the inspection of instruments for weighing and weights and measures under section 173 ;

For registration of births, etc.

(*f*) for the registration of births, deaths and marriages, and the taking of a census within the municipality and for enforcing the supply of such information as may be necessary to make such registration or census effective ;

Regulating the disposal of the dead.

(*g*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead ;

For enforcing information as to epidemics.

(*h*) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 174, 175 and 177 ;

For enforcing information as to liability to municipal taxation.

(*i*) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein ;

(*j*) for the numbering and registration of any vehicle liable to taxation under this Act ;

Octroi by-laws.

(*k*) fixing octroi limits and stations ; providing for the exhibition of tables of octroi requiring a license to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such license may be granted, refused, suspended or withdrawn ;

regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made;

Terminal Tax.

(*l*) fixing terminal tax limits and stations, providing for the exhibition of tables of terminal tax, and regulating the mode of recovery of such tax;

For protecting water.

(*m*) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water whether within or without the limits of the municipality; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the municipal council or not;

Explanation.—Sources and means of water-supply shall include private wells which are used by the public.

Regulating public baths, etc.

(*n*) regulating the use of public bathing and washing places within municipal limits;

For conservancy.

(*o*) regulating sanitation and conservancy;

For constructing houses for the poor.

(*p*) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (*c*) of section 61;

For the disposal of carcasses.

(*q*) regulating the disposal of carcasses of dead animals;

Regulating structures and buildings.

(*r*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors,

roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health ;

(*s*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose ; For regulating construction or use of buildings.

(*t*) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets ; For providing for streets.

(*u*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air ; For ensuring ventilation.

(*v*) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, watercloset, privies, latrines, urinals and drainage or sewerage works of every description, whether the property of the municipal council or not ; Control of drains.

(*w*) determining the information and plans to be required by the municipal council under sections 107 and 115 ; Requiring information and plans in certain cases.

(*x*) prohibiting vehicular traffic in any particular street, so as to prevent danger, obstruction or inconvenience to the public, by fixing up posts at both ends of such street or portion of such street ; prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such by-laws, or in special licenses to be granted in each For controlling unwieldy traffic.

case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws :

Provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of a street ;

Public parks.

(*y*) securing the protection of public parks, gardens and open spaces, vested in or under the control of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them ;

Requiring qualified surveyors and plumbers.

(*z*) prescribing the qualifications of surveyors or persons by whom plans required under section 115 are to be prepared, or of plumbers ; for licensing persons to be surveyors or plumbers, and fixing the fees chargeable for such licenses ; and for modifying the provisions of, or revoking such licenses ; and prohibiting any alterations or repairs or fittings to water or drainage pipes or house-connections being carried out or made, except by such persons ;

For licensing factories, the use of steam whistles, etc.

(*aa*) prescribing the conditions on or subject to which and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory as defined in the Mysore Factories Act, 1914, or for the use of whistles and trumpets, operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed ;

General.

(*ab*) generally for the regulation of all matters relating to municipal administration.

Fine may be imposed for infringement of by-laws.

And every municipal council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law.

Publication of drafts of proposed by-laws.

(2) Every municipal council shall, before making any by-law under this section, publish in such manner as shall in its opinion be sufficient, for the information of

the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be submitted to Government.

(3) When any by-law made by a municipal council is submitted to the Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said by-law.

Rules and by-laws to be printed and sold.

52. The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Act in English as well as in Kannada shall be kept on sale at cost price.

CHAPTER V.

Municipal Property and Fund.

Power to acquire and hold property.

53. (1) Every municipal council may acquire and hold property both movable and immovable, whether within or without the limits of the municipality.

Property vested in the municipal council.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of what nature or kind soever, not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Act; that is to say—

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines,

works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cesspools or elsewhere;

(*d*) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(*e*) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes;

(*f*) all public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Power to Government to resume property.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Municipal fund.

54. All money received by or on behalf of the municipal council by virtue of this or any other Act; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Act; all proceeds of land or other property sold by the municipal councils, and all rents accruing from its land or property; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section:

Provision as to special trusts.

Provided that nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any municipal council by any declarations of trust executed by or on behalf of such municipal council, or by any scheme settled by order of the Government for the administration of any trust.

(Chapter VI—Obligatory and Discretional Functions of Municipal Councils)

Application of municipal fund and property.

55. The municipal fund and all property held by or vested in the municipal council under this Act shall be applied, subject to the provisions of this Act for the purposes specified in sections 58, 59 and 61 and for all other purposes for which by or under this Act or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interest.

Power to deposit and invest surplus funds.

56. (1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in its hands which may not be required for current charges, and with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary.

Surplus not so deposited or invested how to be dealt with.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the local Government treasury, or such other place of security as may be sanctioned by the Government.

Power of municipal councils to borrow money.

57. A municipal council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Act.

CHAPTER VI.

Obligatory and Discretional Functions of Municipal Councils.

Duties of municipal councils.

58. It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely :—

(*a*) lighting public streets, places and buildings;

(*b*) watering public streets and places ;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not ; removing noxious vegetation ; and abating all public nuisances ;

[1][(*ca*) disposing of, and, if so required by the State Government, preparation of compost manure from night-soil and rubbish.

Explanation.—In this clause, rubbish includes dust, ashes, broken bricks, mortar, sewage, dung, dirt, putrid and putrifying substances and refuse of any kind.]

(*d*) extinguishing fires, and protecting life and property when fires occur ;

(*e*) regulating or abating offensive or dangerous trades or practices ;

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government ;

(*g*) securing or removing dangerous buildings or places, and reclaiming unhealthy localities ;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead ;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like ;

(*j*) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost ;

(*k*) naming streets and numbering houses ;

---

1. Inserted by Act XIII of 1950.

(*l*) registering births and deaths ;

(*m*) public vaccination ;

(*n*) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph ;

(*o*) establishing and maintaining public hospitals and dispensaries, and providing public medical relief ;

(*p*) arranging for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to police or under section 149 of this Act ;

(*q*) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits ;

(*r*) housing and maintaining destitute orphans and destitute cripples ;

(*s*) printing such annual reports on the municipal administration of the municipality as the Government by general or special orders requires the municipal council to submit ;

(*t*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purposes of this Act or for the protection of any municipal property, and providing such accommodation as may be required by the Government under the law in force relating to police.

Special duties.

59. Subject to such reasonable provision as is mentioned in section 58, every municipal council shall make reasonable provision for the following special matters, namely :—

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease ; and taking such measures as may be required to prevent the outbreak, or suppress and prevent the recurrence, of the disease ;

(*b*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

(Chapter VI—Obligatory and Discretional Functions of Municipal Councils)

Power of Government to exempt municipal council from any of the duties.

60. Notwithstanding anything contained in sections 58 and 59, the Government may exempt any municipal council from any of the provisions of those sections or may declare that in regard to any municipal council any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 61.

Discretionary powers of expenditure of municipal council.

61. Municipal councils may, at their discretion, provide out of the said property and fund, either wholly or partly, for

(*a*) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such streets;

(*b*) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, rest-houses and other public buildings;

(*c*) constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith;

(*d*) on such terms and conditions as the Government approves, the promotion, formation, extension or assistance of—

(1) a co-operative society for the benefit of municipal employees; or

(2) any provident fund or benefit society whose objects include the erection, improvement, maintenance or management of suitable accommodation for the poorer and working classes

by any or all of the following means:—

(*i*) the acquisition of land with a view to selling or leasing the same to such society; or

(*ii*) the making of grants or loans thereto; or

(*iii*) subscription for any share capital therein; or

(*iv*) guaranteeing the payment of interest on money borrowed by such society or of any share capital issued thereby;

(*e*) providing accommodation for any class of servants employed by the municipal council or granting loans to such servants for construction of houses subject to the rules prescribed in this behalf;

(*f*) granting loans to encourage local arts and industries;

(*g*) planting and maintaining roadside and other trees;

(*h*) taking a census; and granting rewards for information which may tend to secure the correct registration of vital statistics;

(*i*) making a survey;

(*j*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 181;

(*k*) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipal council;

(*l*) establishing and maintaining a farm or factory for the disposal of sewage;

(*m*) providing music for the people;

(*n*) the establishment and maintenance of dairy farms;

(*o*) with the sanction of the Government, the construction, purchase, organisation, maintenance or management of—

(i) light railways and tramways, or

(ii) motor or other transport facilities for the carriage of the public,

or guaranteeing the payment from the municipal fund of such sums as the municipal council shall think fit as interest on capital expended by the Government or a company for the aforesaid purposes;

or granting loans for providing capital for any of the said purposes;

(*p*) the maintenance of an ambulance service;

(*q*) the promotion of public health or infant welfare ;

(*r*) contribution towards any public fund raised for the relief of human suffering within or without the municipality ;

(*s*) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and with the previous sanction of the Government, any public reception, ceremony, entertainment or exhibition within the municipality ;

(*t*) the organisation or maintenance during scarcity of shops or stalls for the sale of necessaries of life ; and

(*u*) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or the advancement of the economic condition of the inhabitants or which is necessary for the carrying out of this Act, expenditure whereon is resolved by the municipal council by the votes of not less than one-half of the whole number of councillors and with the approval of the Government to be an appropriate charge on the municipal fund.

Arrangements purporting to be binding permanently or for a term of years.

62. When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the municipal council or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

Management of public institutions maintained by municipal councils to vest in it.

3. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

CHAPTER VII.

MUNICIPAL TAXATION.

(1) *Imposition of Taxes.*

64. Any municipal council—

Taxes which may be imposed.

(*a*) after observing the preliminary procedure required by section 65, and

(*b*) with the sanction of the Government, and subject to such modifications or conditions as under section 66 the Government in according such sanction deems fit, may impose, for the purposes of this Act, any one or more of the following taxes at rates not exceeding those prescribed in schedules I to VI [1][except the levy under clause (xiii) which shall be levied in accordance with the provisions of section 67-A],

(i) a rate on buildings or lands or both situated within the municipality;

(ii) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use;

(iii) a toll on vehicles entering the said municipality, but not liable to taxation under the clause last preceding;

(iv) an octroi on animals or goods, or both brought within the octroi limits for consumption or use therein;

(v) a terminal tax on goods imported or exported from the terminal tax limits:

provided that a terminal tax and an octroi shall not be in force in any municipality at the same time;

(vi) a tax on dogs kept within the said municipality;

(vii) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required;

---

1. Added by Act XXXII of 1943.

(viii) a general sanitary cess for the construction or maintenance, or both construction and maintenance, of public latrines, and for the removal and disposal of refuse ;

(ix) a water-rate or water rates for water supplied by the municipal council, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case ;

(x) a lighting tax ;

(xi) a tax on arts, professions, trades and callings, and on offices and appointments ;

(xii) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable by the person or persons engaged in the business or profession :

provided that where the municipal council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (xi) in respect of the business or professions carried on in the shop or place ;

[1](xiii) a duty on certain transfers of immovable property in the shape of an additional stamp duty ;

[2](xiv) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in clause (*a*) of section 65.

Provided that—

(*a*) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of the Government, be leviable in respect of—

(i) any building or part of any building belonging to the Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit ;

---

1. Inserted by Act XXXII of 1943.
2. Renumbered as clause (xiv) by Act XXXII of 1943.

(ii) any vehicle, animal or other property belonging to the Government and used solely for public purposes and not used or intended to be used for purpose of profit;

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose;

[1][(*b*) no tax of any kind imposed as aforesaid shall be leviable in respect of the Palace in Mysore City;]

(*c*) no toll shall be leviable in respect of any vehicle used for the passage of troops [2] x x x x x or of Government stores or of any other Government property or for the passage of military or police officers on duty or the passage or conveyance of any person or property in their custody;

(*d*) the Government may by order grant and define other exemptions in exceptional cases from payment of tolls or other taxes imposed under this Act;

(*e*) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Mysore State Troops or of the British Indian Army, or in respect of one bicycle and one horse kept by the members of the Mysore police force or the police force of the Civil and Military Station, Bangalore, for the performance of their official duties;

(*f*) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds, unless and until the municipal council has

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess one month's notice of the intention of the municipal council to perform such cleansing and to levy such cess;

---

1. Substituted by Act 19 of 1954.
2. Certain words omitted by Act 19 of 1954.

(*g*) the municipal council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (ix) and (x), may impose a consolidated tax, assessed as a rate on buildings or lands, or both, situated within the municipality.

Procedure preliminary to imposing.

65. A municipal council before imposing a tax shall observe the following preliminary procedure:—

(*a*) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 64 and prepare rules for the purposes of clause (*h*) of section 49, prescribing the tax selected, and in such resolution and in such rules specify—

(i) the classes of persons or of property or of both which the municipal council proposes to make liable, and any exemptions which it proposes to make;

(ii) the amount or rate at which the municipal council proposes to assess each such class;

(iii) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed;

(iv) all other matters which the Government may require to be specified therein.

(*b*) When such resolution has been passed, the municipal council shall publish the rules so prepared with a notice in the form of schedule VII prefixed thereto.

(*c*) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the classes of persons or property to be made liable thereto or to any exemptions proposed may, within one month from the publication of the said notice, send his objection in writing to the municipal council; the municipal council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon; and unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed

in accordance therewith, together with the notice and rules aforesaid to the Government.

Power to sanction, modify and impose conditions.

66. The Government may either refuse to sanction the rules submitted, or may return them to the municipal council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject

(i) to such modifications not involving an increase of the amount to be imposed or,

(ii) to such conditions as to the application within the municipality to any purpose or purposes of this Act specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

Publication of sanctioned rules with notice

67. All rules sanctioned under section 66 with all modifications subject to which the sanction is given, shall be published by the municipal council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipal council in accordance with all conditions, if any, subject to which under section 66 the sanction was given :

Provided that—

(*a*) a tax leviable by the year,

(i) shall not come into force except on one of the following dates, *viz.*, the first day of July—the first day of October—the first day of January—the first day of April—in the official year in which such notice is published, and

(ii) if it comes into force on any day other than the first of July it shall be leviable by the quarter till the first day of July then next ensuing,

(*b*) on or before the day on which a notice is issued under this section, the municipal council shall publish such further detailed rules as may be required, and as may have been approved by the Government under proviso (i) to section 49, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof, shall be payable,

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

Duty on transfers of immovable properties.

[1][67-A. (1) The duty on transfers of immovable property shall be levied in the form of a surcharge on the duty imposed by the Mysore Stamp Act, 1900, on instruments of sale, gift and mortgage of immovable property situated within the limits of the Municipality at a rate not exceeding one per centum on, as the case may be, the amount of the consideration, the value of the property or the amount secured by the mortgage, as set forth in the instrument:

Provided that no such duty is leviable in respect of mortgages where the amount secured by a mortgage does not exceed Rs. 2,500.

(2) On the introduction of the transfer duty—

(*a*) section 27 of the Mysore Stamp Act, 1900, shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the Municipality.

(*b*) section 64 of the same Act shall be read as if it referred to the Municipal Council as well as the Government.

1. Inserted by Act XXXII of 1943.

(3) The Government may make rules for regulating the collection of the duty, the payment thereof to the municipal council and the deduction of any expenses incurred by the Government in the collection thereof.

(4) No duty shall be chargeable in respect of any instrument executed by or on behalf of or in favour of the Government in cases where but for this exemption the Government would be liable to pay the transfer duty under this section in respect of such instrument.]

Seizure of vehicles not bearing numbers, and procedure after seizure.

[1][**67-B.** (1) If any direction for the numbering and registration of a vehicle contained in a bye-law made under clause (*j*) of sub-section (1) of section 51 is not observed in respect of any vehicle, then any authority empowered in this behalf by the municipal council may, at any time, seize and detain the vehicle or the animal, if any, by which it is drawn or both :

Provided that no vehicle other than a bicycle, tricycle or rikshaw shall be seized and detained when actually employed in the conveyance of any passenger or goods.

(2) If a vehicle or animal is detained under sub-section (1) and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon and other amounts due under sub-section (4) within ten days from the date of seizure, such authority as the municipal council may empower in this behalf may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

(*a*) the tax, if any, due on the vehicle,
(*b*) such penalty not exceeding the amount of the tax as the authority may direct, and
(*c*) the charges incurred in connection with the seizure, detention and sale.

(3) If there is a surplus after such payment, the municipal council shall, on demand made within six months from the date of sale, make it over to the owner

1. Inserted by Act XXXV of 1943.

or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the municipal council.

(4) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(*a*) the tax due on the vehicle,

(*b*) such penalty not exceeding the amount of the tax as the authority specified in sub-section (1) may direct, and

(*c*) the charges incurred in connection with seizure and detention.]

(2) *Assessment of and liability to rates.*

Appointment of assessor.

68. (1) For assessing taxes imposed in the form of a rate on buildings or lands or both, the municipal council shall, with the previous sanction of the Government, appoint an assessor.

(2) The municipal council may also assign to the assessor any other work which in its opinion he can perform without prejudice to his duties as assessor.

Preparation of an assessment list.

69. (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing—

(*a*) the name of the street or division in which the property is situated;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(*c*) names of the owner and occupier, if known;

(*d*) the annual letting value or other valuation on which the property is assessed; and

(*e*) the amount of the tax assessed thereon.

Power to inspect.

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property.

Returns to be furnished.

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

(*a*) as to the name and place of abode of the owner or occupier, or of both ;

(*b*) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.

70. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Act, " the holder " of such premises without further description.

Occupier liable for a rate on buildings or lands or both until he gives information.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

Publication of notice of assessment list.

71. When the assessment list has been completed, the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment list.

72. (1) The assessor shall, at the time of the publication of such assessment list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment ; and in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property, if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property.

Revising authority.

(2) In a municipality for which there is a municipal commissioner, such municipal commissioner and elsewhere the managing committee or any committee or committees to which the municipal council delegates the powers and functions of the managing committee in this behalf or any officer of the Government to whom with the permission of the Government the municipal council delegates, and it is hereby empowered to delegate, the powers and functions of the managing committee in this behalf, shall be the revising authority to whom objections under sub-section (1) may be made.

Objections how to be made.

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose.

Hearing of objections.

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent,

(*a*) investigate and dispose of the obligations,

(*b*) cause the result thereof to be noted in the book kept under sub-section (3), and

(*c*) cause any amendment necessary in accordance with such result to be made in the assessment list.

(5) From every order of the municipal commissioner under sub-section (4), there shall be an appeal in accordance with the rules to be framed by the municipal council in this behalf to the managing committee whose decision shall be final, notwithstanding anything contained in sub-section (2) of section 37.

Authentication of list.

(6) When all objections made under this section and appeals under sub-section (5), have been disposed of and all amendments in accordance with sub-sections (4) and (5) have been made in the assessment list, the said list shall be authenticated by the revising authority.

Custody and inspection of list.

(7) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property

specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published.

Authenticated list how far conclusive.

(8) Subject—

(*a*) to such alterations as may thereafter be made therein, under the provisions of the next following section, and

(*b*) to the result of any appeal made under section 101,

the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

(i) for the purposes of all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment list.

73. (1) The municipal council may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

Objections how dealt with.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by sub-section (3) of section 72, shall be dealt with in all respects as if it were an application under the said section.

Effect of amendment.

(3) An entry or alteration made under this section shall, subject to the provisions of section 101, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the

day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed ; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

Notice to be given to the municipal council of demolition or removal of a building.

74. (1) When any building or any portion of a building which is liable to the payment of a rate on buildings or lands or both is demolished or removed, otherwise than by order of the municipal council, the person primarily liable for the payment of the said rate shall give notice thereof, in writing, to the municipal council.

(2) Until such notice is given, the person aforesaid shall continue liable to pay every such rate as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed.

(3) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

New assessment list need not be prepared every year.

75. (1) It shall not be necessary to prepare a new assessment list every year. Subject to the condition that every part of the assessment list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

(2) But the provisions of sections 71, 72 and 73 shall be applicable every year as if a new assessment list had been completed at the commencement of the official year.

Tax from whom primarily leviable.

76. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from

the Government or from the municipal council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely :

(*a*) if the property is let, from the lessor ;

(*b*) if the property is sublet, from the superior lessor ;

(*c*) if the property is unlet, from the person in whom the right to let the same vests :

Recovery from occupiers.

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list, whichever of those two amounts is the greater.

Remedy of occupier in such case.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

77. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice of such transfer in writing to the municipal council.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the municipal council.

Form of notice.

78. (1) The notice to be given under the last preceding section shall be in the form either of schedule VIII or schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the municipal council may, if it thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Mysore Registration Act, 1903.

Name of transferee to be substituted in the municipal registers.

79. Whenever such transfer comes to the knowledge of the municipal council either through such notice or otherwise, and after such enquiry as may be necessary, the name of the transferee shall be substituted in the municipal registers for that of the person primarily responsible.

Liability for payment of taxes on buildings or lands continue in the absence of notice of transfer.

80. (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 102 for the recovery of the taxes due thereupon.

Remission of tax in case of vacancies; when obligatory.

81. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the municipal council shall remit or refund not less than two-thirds of the amount of the rate, or of the cess, or instalment of the cess, as the case may be:

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to

the municipal council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

When discretional.

(2) When any such building or land as aforesaid—

(*a*) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements, one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(*c*) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the municipal council may remit or refund such portion, if any, of the rate or cess or instalment as it may think equitable.

Burden of proof on claimant.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Explanatory clause.

(4) For the purposes of this section, a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

(3) *Power to charge fees.*

Municipal council may charge fees for certain licenses.

82. (1) When any license is granted by the municipal council under this Act, or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal council, the municipal council may charge a fee for such license or permission.

Levy of fees for unauthorised occupation or projection.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or license. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Act or any other law for the time being in force. The rates of such higher fees shall be determined by rules.

Market and other fees.

(3) The municipal council may also charge such fees as may be fixed by by-laws [1][either] under clause (*a*) of sub-section (1) of section 51 for the use of any such places mentioned in that sub-section, as belong to the municipal council, [2][or for any other purpose relating to municipal administration.]

Farming of fees.

(4) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract.

Power of lessee to expel persons who refuse to pay fees.

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

(4) *Special provisions relating to certain taxes.*

Fixed charges and agreements for payment in lieu of taxes for water supplied.

83. (1) The municipal council may, instead of imposing a water-rate, or where a water-rate has been imposed in individual cases, instead of levying a rate imposed in respect of the supply of water belonging to the municipal council to, or for use in connection with, any private lands or buildings,

(*a*) fix at rates not exceeding such as shall be specified in the rules in force under section 49, charges for such supply according to the quantity used as ascertained by measurement,

(*b*) arrange with any person, on his application, to supply on payment, periodical or otherwise, water belonging to the municipal council in such quantities or for such purposes, whether domestic, ornamental, or irrigational or for trade, manufacture or otherwise, on such terms and subject to such conditions as it shall fix by agreement with such person :

Provided that—

(*a*) the meter, connection pipes and all other works necessary for and incidental to such supplies, and all future repairs, extensions and alterations of such works shall be under the control of the municipal council, and

1. Inserted by Act IX of 1943.
2. Added by Act IX of 1943.

the expense thereof shall, so far as is not inconsistent with the rules or by-laws of the municipal council, be defrayed by the persons liable in respect of such supplies, and

(*b*) all such supplies of water shall be, and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof, and as to the prevention of waste or misuse, as are prescribed in the by-laws for the time being in force under section 51.

Power to fix a special rate in lieu of special sanitary cess.

(2) When the municipal council has made provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, it may, instead of levying in respect thereof any special sanitary cess imposed under this chapter, fix a special rate, and the dates and other conditions for periodical payments thereof, which shall be determined either ;

(*i*) in accordance with the rules for the time being in force under section 49, or

(*ii*) by written agreement with the person who would have been otherwise liable for the cess, provided that, in fixing the amount, proper regard be had to the probable cost to the municipal council of the service to be rendered.

Power to compound tax on vehicles or animals.

(3) When the municipal council has imposed a tax on vehicles or animals used for riding, draught or burden and kept within the municipality for use, it may compound with the keeper of any livery-stable or of horses or vehicles kept for sale and hire, for the payment of a lumpsum for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

Composition of toll.

(4) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half-yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle or animal, within the limits of the municipality, provided

that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

Recovery of sums claimed under this section.

(5) Every sum claimed by the municipal council as due under sub-section (1) as a charge fixed by agreement or otherwise on account of water-supply, or as expenses to be defrayed such as are referred to in that sub-section, or as a special rate under sub-section (2) or as a lumpsum payable under sub-sections (3) and (4) shall for the purposes of chapter VIII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

Certain rights not affected by section 83.

84. Nothing contained in section 83 shall affect the right or powers of the municipal council to contract with any person to supply for use beyond the limits of the municipality, at such rates and on such conditions as the municipal council may think fit, any quantity of water belonging to the municipal council but not required for the purposes of this Act.

Power of Government to suspend or prohibit levy of objectionable taxes.

85. If it shall at any time appear to the Government on complaint made or otherwise, that any tax leviable by a municipal council, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may at any time, by a like notification, rescind any such suspension.

Power of Government to require municipal council to impose taxes.

86. Whenever it appears to the Government that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under section 219 or under section 221 or for the performance of any duties in respect of which it shall have been

declared under section 224 to have committed default, the Government may by notification require the municipal council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 64 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the municipal council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the municipal council had been passed for the purpose under section 65 :

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may make against the imposition or enhancement of such tax,

(*b*) it shall not be lawful for the municipal council to abandon or modify or to abolish such tax when imposed, and

(*c*) the Government may at any time cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and Tolls.*

Octroi by-laws to be submitted with proposal for imposition of octroi.

87. Every municipal council when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of by-laws for the purposes of clause (*k*) of sub-section (1) of section 51, after observing the requirements of sub-sections (2) and (3) of that section.

Power to examine articles liable to octroi.

88. (1) Every person bringing into, or receiving from beyond the octroi limits of a municipality any article on which octroi is payable shall, when required by an officer authorised in this behalf by the municipal council and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect, examine and weigh and otherwise deal with the article ; and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to search where octroi is leviable.

(2) If any person bringing into, or receiving from beyond the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the municipal council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a magistrate or such officer of the municipal council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

89. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for evasion of octroi.

(2) If goods passing into a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the municipal council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall on conviction by a magistrate be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater.

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

[1][**90.** (1) Any person,—

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the

1. Substituted by Act VII of 1940.

articles so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater ; and

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

(2) Any officer of the municipal council authorised by the municipal council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same :

Provided that any article or person so seized or arrested shall be produced before a magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest :

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees in value and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

(3) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section.]

Tables of tolls to be shown on demand.

91. Every municipal council imposing any toll under this Act shall cause to be kept at each place, where such toll is to be collected, a table in Kannada showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made.

Power to seize vehicle on non-payment of octroi or toll.

92. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipal council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle on which the toll is chargeable or any part

of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, or article seized a list of the property together with a written notice in the form of Schedule XII.

Notice of sale.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Release of property on payment.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred and of the octroi or toll payable, the municipal council shall forthwith release the property seized.

Sale.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

Surplus how dealt with.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the municipal council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the municipal council.

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

93. The municipal council, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the municipal council of the octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the municipal council or any committee or officer authorised

by it in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of Chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Farming of tolls.

94. (1) It shall be lawful for the municipal council to lease annually the levy of any toll that may be imposed under this Act by public auction or private contract.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 92 ; provided that no article distrained may be sold except under the orders of the municipal council.

CHAPTER VIII.

Recovery of Municipal Claims.

Presentation of bill for taxes.

95. (1) When any amount—

(*a*) which, by or under any provisions of this Act, is declared to be recoverable in the manner provided by this chapter, or

(*b*) which, not being leviable under sub-section (1) of section 92, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which now is imposed or hereafter may be imposed in any municipality,

shall have become due, the municipal council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

Contents of bill.

(2) Every such bill shall specify—

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

If bill not paid within fifteen days, notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the municipal council may cause to be served upon the person to whom such bill has been presented a notice of demand in the form of Schedule X, or to the like effect.

In what cases warrant may issue.

96. (1) If the person on whom a notice of demand has been served under section 95, sub-section (3), does not, within fifteen days from the service of such notice of demand, either—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the municipal council, or of such officer as the municipal council by rule may appoint in this behalf, or of the chief officer, or of the municipal commissioner, if any, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 101 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form of Schedule XI or to the like effect, by distress and sale of the movable property of the defaulter.

Warrant by whom to be signed.

(2) Every warrant issued under this section shall be signed by the president of the municipal council causing the same to be issued, or by an officer to whom the municipal council has delegated its powers under section 38 or by the chief officer, or by the municipal commissioner, if any.

To whom the warrant should be addressed.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another municipality constituted under

this Act or the Mysore Town Municipalities Act, 1933,[1] or under the Mysore Minor Municipalities Act, 1933,[1] or in a place which is not a municipality constituted under the aforesaid Acts, the warrant shall be addressed to the president of the municipal council concerned or to the Amildar of the Taluk as the case may be ; provided that such president or Amildar may endorse such warrant to a subordinate officer.

Power of entry under special order.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention and has given such women an opportunity to remove.

Warrant how to be executed.

(5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found any movable property of the person named in the warrant issued under sub-section (1) as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

(*a*) The following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed, grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(*b*) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible

1. Repealed and re-enacted as the Mysore Town Municipalities Act, 1951.

proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be returned.

(*c*) The officer shall on distraining the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of distraint, a written notice in the form of Schedule XII.

Sale of goods distrained in special cases.

97. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Sale of property distrained; application of proceeds of sale.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the municipal council, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus, if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint, but if the same be claimed by written application to the municipal council within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the municipal council.

(*Chapter VIII—Recovery of Municipal Claims*)

Distraint and sale outside the municipality.

98. Where the warrant is addressed outside the municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 97.

Summary proceedings may be taken against persons about to leave the municipality.

99. (1) If the municipal council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to remove from the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the municipal council's warrant for distress and sale may be issued and executed without any delay.

100. Fees for—

Fees and costs chargeable.

(*a*) every notice issued under sub-section (3) of section 95,

(*b*) every distress made under sub-section (5) of section 96, and

(*c*) the costs of maintaining any live-stock seized under the said sub-section,

shall be chargeable at the rates respectively specified in such behalf in the rules of the municipal council, and shall be included in the costs of recovery to be levied under section 97.

Appeal to magistrates.

101. (1) Appeals against any notice of demand issued under sub-section (3) of section 95, may be made to any magistrate or bench of magistrates by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried.

But no such appeal shall be heard and determined unless—

(*a*) the appeal is brought within one month next after service of the notice of demand complained of; and

(*b*) an application in writing, stating the grounds on which the claim is disputed, has been made as follows, that is to say:

(i) in the case of a rate on buildings or lands, to the assessor or the municipal council as the case may be, within the time fixed in the notice given under section 72 or 73 of the assessment or alteration thereof, according to which the bill is prepared;

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 95 to the municipal council within fifteen days next after the presentation of such bill; and

(*c*) the amount claimed from the appellant has been deposited by him in the municipal office.

Revision of decisions on appeal.

(2) The decision of the magistrate or bench of magistrates upon any appeal, shall at the instance of either party, be subject to revision by the court to which appeals from his or their decisions ordinarily lie.

(3) Effect shall be given by the municipal council to every decision of the said magistrate or bench of magistrates on any appeal or any decision in revision on such appeal.

Liability of land, buildings, etc., for rates.

102. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 76, shall, subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the moveable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes:

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Receipts to be given for all payments.

103. For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same.

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(1) *Powers in respect of streets.*

Power regarding streets, etc.

104. (1) It shall be lawful for the municipal council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and, subject to the provisions of sub-section (2) of section 41, to lease or sell any such land theretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Act.

(2) In laying out or making, or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addtion to the land required for the carriage-way and foot-ways and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 41, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Power to require repair of streets;

105. (1) When the municipal council considers that in any street, not being a public street, or in any part of such street, within the municipality, it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the municipal council may by written notice require the respective owners of the lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in any manner and within a time to be specified in such notice.

and to declare such streets public.

(2) After such work has been carried out by such owners or, as provided in section 187 by the municipal council at the expense of such owners, the street or part thereof in which such work has been done shall on the joint requisition of a majority of the said owners, be declared by a public notice, put up therein by the municipal council, to be a public street.

(3) If the notice under sub-section (1) is not complied with and such work is executed by the municipal council as provided in section 187, the expenses thereby incurred shall be apportioned by the municipal council, between such owners in such manner as it may think fit, regard being had, if it deems it necessary, to the amount and value of any work already done by the owners or occupiers of any such lands or buildings.

Power to declare any street a public street subject to objections by the owners.

(4) A municipal council may, at any time, by notice fixed up in any street or part of a street not maintainable by the municipal council give intimation of its intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of several owners of such street or such part of a street, lodges or lodge objections thereto at the municipal office, the municipal council may, by notice in writing put up in such street, or such parts, declare the same to be a public street.

Temporary closure of streets.

106. The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water supply or lighting or any of the purposes of this Act.

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

New streets.

107. (1) Every person intending to lay out or make any new street, shall give notice in writing thereof to the municipal council, and shall furnish plans and sections showing the intended level, means of drainage, direction and width of such street, if required by the municipal council to do so and the level, means of drainage, direction and width of every such street shall be fixed or approved by the municipal council.

(2) Before passing orders under sub-section (1), the municipal council may either issue—

Power of municipal council to pass orders.

(*a*) a provisional order directing that, for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) a demand for further particulars.

(3) If —

Right to proceed in certain cases.

(*a*) within one month from the receipt of the notice given under sub-section (1), the municipal council has neither—

(i) passed orders and served notice thereof either fixing or disapproving the proposals submitted under sub-section (1) with regard to level, means of drainage, direction and width of the street, nor

(ii) under sub-section (2), issued any provisional order or demand for further particlars, or if

(*b*) the municipal council, having issued such demand for, and having received, in accordance with the demand and with the by-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars,

then the street may be laid out and made, in such manner as may have been specified in the notice, and as is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder.

Penalty.

(4) Whoever lays out, makes or builds upon any such street, either without giving the notice required by sub-section (1), or, except in accordance with the provisons of sub-secion (3), without awaiting, or otherwise than in accordance with, the instructions issued by the municipal council, or in any manner contrary to the provisions of this Act or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the municipal council may cause any street so laid out or made to be altered, and any building erected in such street contrary to its directions to be altered, or removed, and the expense thereby incurred shall be paid

to it by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

The regular line of public street.

108. (1) It shall be lawful for such municipal council as may be notified by the Government in this behalf, to prescribe a line on either side or both sides of any public street within the municipality and the municipal council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof.

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the municipal council shall notify the same in the Official Gazette and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(*b*) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice; and

(*c*) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called 'the regular line of the public street.'

(3) (*a*) Except under the provisions of section 135, no person shall construct or reconstruct any portion of any building, within the regular line of the public street without the permission of the municipal council under section 115.

(*b*) Where the muncipal council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be vested in the municipal council and deemed part of the public street.

(*c*) Compensation, the amount of which shall, in case of dispute be ascertained and determined in the manner provided in section 191 shall be paid by the municipal council to the owner of any land vesting in the municipal council under clause (*b*) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said clause (*b*).

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to two hundred rupees ; and the municipal council may—

(*a*) direct that the building be stopped, and

(*b*) by a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary.

(2) *Powers to regulate buildings, etc.*

Setting back projecting buildings.

109. (1) If any part of a building projects beyond the regular line of a public street as prescribed under section 108, or beyond the front of the building on either side thereof, the municipal council may,—

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then, whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

Acquisition of land which is within the regular line of a street and upon or occupied only by platforms, etc.

(2) If any land, not vested in the municipal council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the municipal council, after giving the owner of the land not less than fifteen clear days' written notice of its intention, or if the land is vested in the Government then with the permission in writing of the Deputy Commissioner, may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipal council.

Compensation payable by the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 191, shall be paid by the municipal council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 141 applies.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 141, the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

Setting forward to regular line of street.

110. The municipal council may, upon such terms as it thinks fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

Buildings at corner of streets.

111. (1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the municipal council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Roofs and external walls of buildings not to be made of inflammable materials.

112. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Act shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials, except with the written consent of the municipal council, which may be given either specially in individual cases, or generally in respect of any area specified therein.

Power to require removal of roof and wall if inflammable.

(2) The municipal council may at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Act came into force, and whether it was made with or without the consent of the municipal council.

Penalty.

(3) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

Level of buildings.

113. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool, or other suitable place which may be approved of by the municipal council.

Rat-proof building for warehouse for storing grain.

114. The municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

Notice of new buildings.

115. (1) Before beginning to construct any building, or to alter externally or add to any existing building,

or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 109 to enforce a removal or set-back, or to construct or reconstruct which the municipal council is empowered by section 108 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing, and shall furnish to it at the same time, if required by a by-law or by special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all information required by the by-laws or demanded by the municipal council regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

Power of municipal council to pass orders.

(2) Save as otherwise provided in this Act or the rules and by-laws thereunder, the municipal council may,

(*a*) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(*b*) impose in writing conditions, in accordance with this Act and the rules and by-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or

(*c*) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction.

Provided that the direction in sub-clause (*c*)—

(*i*) shall apply only to buildings on sites not laid out by the municipal council or other competent authority; and

(*ii*) shall not be in force after six months from the date on which the direction is given.

Or to suspend the work or to require further particulars.

(3) Before issuing any orders under sub-section (2), the municipal council may, within one month from the receipt of such notice, either issue,.

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars.

Right to proceed in certain cases.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder in the following cases, that is to say:—

(*a*) in case the municipal council, within one month from the receipt of the notice given under sub-section (1), has neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work; nor

(ii) issued under sub-section (3) any provisional order or any demand for further particulars;

(*b*) in case the municipal council having issued such demand for, and having received in accordance with the by-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4).

(6) [1][If any person] begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or

1. Substituted by Act XVI of 1950.

affording the information above prescribed, or except as provided in sub-section (4), without awaiting, or in any manner contrary to such legal orders of the municipal council as may be issued under this section or contrary to the provisions of sub-sections (4) or (5) or in any other respect contrary to the provisions of this Act or of any by-law in force thereunder,

[1][(i) the municipal council may, whether any action is taken or not against such person under clause (ii) of this sub-section,

(*a*) direct that the building, alteration or addition be stopped, and

(*b*) by written notice, require such building, alteration or addition to be altered or demolished, as it may deem necessary ;

(ii) such person shall be punishable with fine which may extend to two hundred rupees.]

(7) The municipal council or any officer deputed by it may at any time inspect the erection of any building without giving notice of its or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Act or of any by-law made under this Act at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or, if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision or by-law to be amended, or to do anything which by any such provision or by-law he may be required to do but which has been omitted.

EXPLANATION.—The expression " to erect a building " throughout this chapter includes—

(*a*) any material alteration, enlargement or reconstruction of any building,

1. Substituted by Act XVI of 1950.

(*b*) the conversion into a place as human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangments of a building as affect its drainage, ventilation or other sanitary arrangements or its security or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, re-constructed, converted or added to, shall, for the purpose of this chapter, be deemed to be new building.

Power of Government to prohibit the erection of buildings in certain area without permission.

116. (1) Notwithstanding anything contained in section 109, the Government may in the public interest and after consulting the municipal council prohibit by notification published in the Official Gazette, the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf :

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by it in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall on conviction before a magistrate be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

Regulation of huts.

117. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the municipal council and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit to sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block be built without giving such notice to the municipal council, or otherwise than as required by the municipal council, the municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the municipal council may think fit.

Improvement of huts.

118. (1) Whenever the municipal council is of opinion that any huts or sheds whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into operation or subsequently erected, are by reason,—

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on

which such hut or shed is built, within such reasonable time as may be fixed by the municipal council for that purpose, to take down and remove such hut or shed, or to execute such operations as the municipal council may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the municipal council may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the municipal council, the municipal council shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the municipal council until the person interested therein shall obtain the order of a competent court for the payment of the same:

Provided always that in case any huts or sheds, existing at the time when the land on which they are situate first became part of a municipality, should be pulled down under this section by order of the municipal council or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 191.

(3) *Powers connected with drainage, water works, etc.*

Municipal control over drains, etc.

119. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the municipal council.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the municipal council may by written notice call upon the owner of any such covered sewers, drains, or cesspools to make provision accordingly.

Powers for making drains.

120. (1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality.

(2) The municipal council, or any officer appointed by it for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 191, shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

Sufficient drainage of houses.

121. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the municipal council, the municipal council may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner.

New buildings not to be erected without drains.

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage situated at distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

122. The owner or occupier of any building or land within the municipality shall be entitled to cause his drains to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such conditions as the municipal council prescribes as to the mode in which the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

Sewage and rain-water drains to be distinct.

123. Whenever it is provided in this Act that steps shall or may be taken for the effectual drainage of any premises, the municipal council may require that there shall be one drain for offensive matter and sewage, and another drain for rain-water and unpolluted sub-soil water, each emptying into separate municipal drains or other places set apart by the municipal council for the discharge of drainage or into other suitable places.

Right to carry drain through land or into drain belonging to other persons how and on what conditions to be authorised by municipal council.

124. (1) If the owner or occupier of any building or land proves to the satisfaction of the municipal council that he cannot connect the same with any municipal drain otherwise than by means of a drain to be constructed through land, or to be connected with a drain belonging to or occupied by or in the use of some other person, the municipal council, after giving to such other person a reasonable opportunity of stating any objection to such application may, if no objection is raised or if any objection which is raised is in its opinion insufficient, by an

order in writing authorise the owner or occupier first mentioned to carry his drain into, through or under the said land, or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the said drains, as may appear to it to be adequate and equitable.

Written order of municipal council authority for execution of necessary work.

(2) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner or occupier of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner or occupier reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset, and, subject to all the provisions of this Act, to do all such work as may be necessary—

(*a*) for the construction or connection of the drain as may be authorised by the said order, or

(*b*) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

Work how to be carried out.

125. In executing any work under section 124, as little damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall,—

(*a*) cause the work to be executed with the least practicable delay ;

(*b*) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work ; and

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

Rights of owner of land through which drain is carried, in regard to subsequent building thereon.

126. If the owner of any land into, through or under which a drain has been carried under section 124, whilst such land was unbuilt upon, shall at any subsequent time desire to erect a building thereon, the municipal council may, if it sanctions the erection of such building, by written notice require the owner or occupier of the building or land for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as it may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building; and may also, by written notice require the person desiring to erect the building to make such alterations in the location of the building with reference to the drain, or in the details of the construction of the building, and on such terms, as the municipal council may deem to be necessary for the maintenance of the drainage connection.

Provision of privies, etc.

127. (1) In case the municipal council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the municipal council may by written notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the municipal council may deem proper.

(2) The municipal council may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The municipal council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may direct any privy door or trap door which opens on to any street, and which it deems to be a nuisance.

Cost of altering, repairing and keeping in proper order privies, etc.

128. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may by written notice require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The municipal council may by written notice require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Act, which in the opinion of the municipal council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power to close existing private drains.

129. When any building or land within the municipality has a drain communicating with any cesspool or sewer, the municipal council, if it considers that such drain, though it may be sufficient for the drainage of such building or land, and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the municipality, may close such drain, and such cesspool or sewer, whether it is or is not on land vested in the municipal council, on providing a drain or drains equally effectual for the drainage of such building or land, and the municipal council may do any work necessary for the purpose.

Power in respect of sewers, etc., unauthorisedly constructed, re-built or unstopped.

130. The municipal council may by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or re-built or unstopped—

(*a*) after such land became part of a municipality, and

(*b*) either without the consent or contrary to the orders, directions or general regulations or by-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, re-built

or unstopped, and every person so constructing, rebuilding or unstopping any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Encroachment on municipal drains, etc.

131. (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers of drains vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and the municipal council may by written notice require such person to demolish, alter, re-make or otherwise deal with such drain as it may think fit.

(2) No building shall be newly erected or re-built over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may by written notice require the person who may have erected or re-built such building to pull down or otherwise deal with the same as it may think fit.

Inspection of drains, etc.

132. (1) The municipal council or any officer appointed by it for such purposes may, subject to the restrictions of this Act, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

Expense of inspection when to be borne by the municipal council.

(2) The expense of such inspection, and of causing the ground to be closed and made good as before, shall be borne by the municipal council unless the sewer, drain, privy, water-closet, housegully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment, or of any by-laws of the municipal council in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, housegully or cesspool, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Municipal council may execute certain works under this sub-chapter without allowing option to persons concerned of executing the same.

133. (1) The municipal council may, if it thinks fit, cause any work of the nature to which this sub-chapter applies, to be executed by municipal or other agency under its own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

Expenses in such cases by whom to be paid.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the municipal council shall, by a general or special order or resolution, sanction, as it is hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

(3) Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private buildings or lands shall, if supplied, constructed or erected at the expense of the municipal council, be deemed to be municipal property, unless the municipal council shall have transferred its interest therein to the owner of such buildings or lands.

Power of carrying water mains, etc.

134. The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the municipality as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipality.

(4) *Powers regarding external structures, etc.*

Permission necessary for certain projections.

135. (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to

which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

Removal of projections.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

(*a*) overhangs or juts into or in any way projects or encroaches upon, any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof :

Provided always that the municipal council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the municipal council, make reasonable compensation to every person who suffers damage by such removal or alteration ; and if any dispute shall arise touching the amount of such compensation the same shall be ascertained and determined in the manner provided in section 191.

Troughs and pipes for rain water.

136. The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same,

in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street.

Fixing of brackets, etc., to houses.

137. The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive or other purposes, or such pipes as it may deem necessary for the proper ventilation of sewers and water works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Naming streets and numbering houses.

138. The municipal council may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipal council, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

Penalty for defacing buildings, etc.

139. Any person—

(*a*) who, without the consent of the owner or occupier and in the case of municipal property without the permission in writing of the municipal council, affixes any posting, bill, placard, or other paper or means of advertisement against or upon any building, wall, board, fence or pale, post, lamp-post or the like, or

(*b*) who, without such consent as aforesaid writes upon, soils, defaces or marks any such building, wall, board, fence or pale, post, lamp-post or the like with chalk or paint or in any other way whatsoever,

shall be punished with fine which may extend to twenty rupees.

(*Chapter IX—Municipal Powers and Offences*)

Removal and trimming of hedges, trees, etc.

140. The municipal council may by written notice require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute or be likely to pollute the water thereof.

(5) *Powers for promotion of public health, safety and convenience.*

Ruinous or dangerous buildings.

141. (1) If any building, or anything affixed thereon, be deemed by the municipal council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the municipal council shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers ; all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Action to be taken on default by owner or occupier.

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the municipal council shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired or otherwise secured.

Proviso if danger is not imminent.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the municipal council, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoarding or

fence, and in the event of the owner or occupier failing to put up, within two days from the service of such notice, a hoarding or fence which the municipal council considers sufficient in the circumstances of the case, the municipal council shall at once cause such hoarding or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

142. (1) The municipal council may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water supply shall, whether it is private property or not,

(*a*) keep and maintain any such source of water-supply, other than a stream, in good repair ; or

(*b*) within a reasonable time to be specified in the notice, cleanse any such source of water supply from silt, refuse and decaying vegetation ; or

(*c*) in such manner as the municipal council prescribes, protect any such source of water supply from pollution by surface drainage ; or

(*d*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves, any such source of water-supply, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water supply is, in the opinion of the municipal council, dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall

(*e*) desist from using and from permitting others to use, for drinking purposes any such source of water-supply which not being a stream in its natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking ; or

(*f*) if notwithstanding any such notice under clause (*e*) such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water-supply as aforesaid ; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or permises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers is injurious to health or offensive to the neighbourhood.

Remedy on non-compliance with directions issued.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of sub-section (1), the municipal council may, and if in its opinion immediate action is necessary to protect the health or safety of any person shall, at once proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the owner of, or person having control over, such water supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Provided that in the case of any well or private stream or of any private channel, tank or other source of water supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council or necessarily incurred by such owner or person having such control may, if the municipal council so directs, be paid from the municipal fund.

Displacing pavements, etc.

143. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished

with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Obstructions and encroachments upon public streets and open space.

144. (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The municipal council shall have power to remove any such obstruction or encroachment and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in the Government, the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for everyday on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary

occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner, as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 135 or in any case where permission has been given under sub-section (4) of this section.

Hoardings to be set up during repairs, etc.

145. (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger, or inconvenience in any street shall, before beginning such work,

(*a*) first obtain a license in writing from the municipal council so to do ; and

(*b*) cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoardings or fence standing and in good condition to the satisfaction of the municipal council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Provision of facilities when work is executed in public street.

146. (1) When any work is being executed by the municipal council in any public street it shall, so far as may reasonably be practicable, make adequate provision for—

(*a*) the passage or diversion of traffic ;

(*b*) proper access to all premises approached from such street ; and

(*c*) any drainage, water-supply, or means of lighting which are interrupted by reason of the execution of such work.

Fencing and lighting during repairs, etc.

(2) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to it shall seem proper; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(3) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

Timber not to be deposited or hole made in a street without permission.

147. (1) No person shall, without the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the municipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Dangerous quarrying.

148. If in the opinion of the municipal council the working of any quarry, or the removal of stone, earth or other material from the soil in any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof, or creates or is likely to create a nuisance, the municipal council may, by written notice, require the owner of the said quarry or place, or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material or to take such order with such quarry or place as the municipal council shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Provided that if such quarry or place is vested in the Government, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of the Government or any person acting with the permission or under the authority of the Government or of any officer of the Government acting as such, the municipal council shall not take such action unless and until the Deputy Commissioner has consented to its so doing.

Provided further that the municipal council shall immediately cause a proper hoarding or fence to be put up for the protection of passengers near such quarry or place, if in any case referred to in this section it appears to it to be necessary in order to prevent imminent danger, and any expense incurred by the municipal council in taking action under this section shall be paid by such owner or other person as aforesaid, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Provision as to dogs.

149. (1) The municipal council may by public notice require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3), the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has

provided a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days; provided that any dog, which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of any dog which has been taken possession of or detained, in the manner provided by chapter VIII.

(6) *Powers for the prevention of nuisance.*

Depositing dust, etc.

150. (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind, or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on the bank of any river, water-course or nullah, except at such places, in such manner, and at such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matter above described, or, except with the permission of the municipal council, any night-soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto

as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging sewage, etc.

151. Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal of filth, etc.

152. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction.

Removal of night-soil.

153. (1) The municipal council may from time to time fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter.

(2) Whoever,

(a) when the municipal council has fixed such hours, and given public notice thereof by beat of drum, removes, or causes to be removed, along any street any such offensive matter at any time except within the hours so fixed, or

(*b*) at any time, whether such hours have been fixed by the municipal council or not,

(i) uses for any such purpose any cart, carriage, receptacle or vessel not having a covering proper for preventing the escape of the contents thereof and of the stench therefrom, or

(ii) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or

(iii) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

(iv) places or sets down in any public place any vessel containing such offensive matter, or

(v) drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purpose as aforesaid through any street or by any route, other than such as shall from time to time be appointed for that purpose by the municipal council by public notice,

shall be punished with fine which may extend to twenty-five rupees.

Filthy buildings, etc.

154. (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the municipal council to render it unfit for human habitation, it may further by written notice prohibit the using thereof for that purpose until it is so rendered fit.

Deserted and offensive buildings.

(3) If any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby

(*a*) becoming a resort of idle and disorderly persons or of persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or

(*b*) coming into use for any insanitary or immoral purpose, or

(*c*) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the municipal council, if it considers such objection cannot under any other provision of this Act, be otherwise removed may, if there is any person known or resident within the municipality who claims to be the owner of such building, by written notice directed to such person, require such person, or in any other case by written notice fixed on the door or any other conspicuous part of the building require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice, to cause such building to be taken down and the materials thereof to be removed ; and in the event of non-compliance with such requirement, the municipal council, on the expiration of the period specified as aforesaid, may forthwith cause the building to be taken down and the materials to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by it in so doing ; and all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Buildings or rooms in buildings unfit for human habitation.

155. If, for any reason, it shall appear to the municipal council that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, the municipal council shall give to the owner or occupier of such building notice in writing, stating such reason, and signifying its intention to prohibit the further use of the building or room, as the case may be, as a dwelling, unless such improvements as are specified in the notice are executed within a reasonable time and shall in such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice; and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the municipal council invalid or insufficient, the municipal council may by an order in writing prohibit the further use of such building or room as a dwelling and may withdraw such prohibition for proper reasons.

Power to enter and inspect, etc., buildings.

156. It shall be lawful for the president, vice-president, or any councillor or officer authorised by the municipal council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

Provision of bathing facilities.

157. (1) The municipal council may set apart sufficient public places for the purpose of being used as bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, and for all purposes connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use for any purpose mentioned in this section, of any or all other public places within the municipality.

(2) Copies of all orders passed and notices issued by the municipal council and for the time being in force under this section, shall be kept at the municipal office

and shall be open for inspection by the public at all reasonable times.

Fouling water.

158. (*a*) Whoever, in disobedience of any order of the municipal council under section 157 or of any by-law, bathes in any stream, pool, tank, reservoir, well, cistern, conduit and aqueduct belonging to the municipal council, or washes, or causes to be washed therein any animal or anything whatever, or throws, puts or casts or causes to enter therein any animal or anything, or causes or suffers to run, drain or be brought thereinto anything that is, or may become, a nuisance or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted, and

(*b*) whoever, without permission of the municipal council, steeps in any tank, stream, or ditch within or on the boundary of the municipality, any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance, shall be punished with fine which may extend to fifty rupees.

Abatement of nuisances from wells, etc.

159. (1) If in the opinion of the municipal council—

(*a*) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(*b*) any cistern or other receptacle for water whether within or outside a building, or

(*c*) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe, or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (*a*) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(b) If any such work is begun or completed without such permission, the municipal council may either—

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe ; or

(ii) grant written permission to retain such work : but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (*a*) of this sub-section.

Regulation or prohibition of certain kinds of cultivation.

160. The municipal council on the report of the Director of Health, the health officer, or the local medical officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the Government by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious :

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested, for any damage caused to them by absolute prohibition.

Using offensive manure, etc.

161. Whoever, except with the written permission of the municipal council, and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees.

Tethering cattle, etc.

162. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

Keeping swine.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees.

Feeding animals on filth.

163. Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.

Licensing of goats and pigs.

164. Within such limits as the municipal council may direct, no person shall keep more than five pigs or more than ten goats without a licence from the municipal council. The municipal council may charge an annual fee not exceeding two rupees for such licence and may impose such conditions in respect of such licence as it may think necessary. Whoever keeps any pigs or goats contrary to the provisions of this sub-section shall be punishable with fine which may extend to twenty-five rupees.

Consumption of smoke.

165. (1) It shall be lawful for the municipal council to direct by public notice that every furnace employed, or to be employed, in any works or buildings used for the purpose of any trade or manufacture whatsoever within the limits of the municipality, whether a steam engine be or be not used or employed therein, shall in all cases, be constructed, supplemented or altered so as to consume or burn, or reduce as far may be practicable, the smoke arising from such furnace.

(2) If any person shall, after such direction, use, or permit to be used, any such furnace not so constructed, supplemented, or altered, or shall so negligently use, or permit to be used, any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending, being the owner or occupier of the said works or buildings or, being an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may extend to fifty rupees, and upon any subsequent conviction to five hundred rupees :

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

Licenses to be taken for burning bricks.

166. (1) It shall be lawful for the municipal council to publish by a notification in the Official Gazette that no place within municipal limits shall be used for burning bricks without a license from the municipal council and except in accordance with the conditions specified therein :

Provided that no such notification shall take effect until sixty days from the date of publication.

(2) Any person who, after the publication of such notification, wishes to use such place for such purpose shall apply to the municipal council for license therefor.

(3) The municipal council may by an order and under such restrictions as it thinks fit, grant or refuse to grant such license.

(4) Every such license shall expire on such date as may be specified therein.

(7) *Regulation of Markets, Sale of Food, etc.*

Licensing markets, slaughter-houses and certain businesses.

167. (1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clauses (i), (ii), and (iv) to (vi) of clause (*b*) of sub-section (1) of section 51 except under and in accordance with the conditions of a license from the municipal council which may at its discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases.

(2) Whoever uses or permits the use of any place contrary to such direction, or without the license required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such license, shall be punished with fine which may extend to twenty-five rupees.

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the magistrate shall, on the application of the municipal council

but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used ; and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Opening, closing, and letting of markets and slaughter-houses.

168. (1) The municipal council may from time to time open or close any public market or slaughter-house. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter-house.

(2) Any person who, without the permission or license of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

Slaughter-houses, etc., beyond municipal limits.

169. It shall be lawful for the municipal council, with the sanction of the Deputy Commissioner, to establish slaughter-houses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Act and of by-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Registry for shops for sale of European drugs.

170. (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same is registered in the office of the municipal council within two months after the commencement of this Act or if the shop or place is established after the commencement of this Act then, within two

months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The municipal council, shall, upon payment of such fees as may be prescribed in this behalf, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a license which shall be displayed in some conspicuous part of the premises registered.

Certificated dispensers.

(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with the duties prescribed in this behalf; and every such person shall be bound to produce his certificate for inspection when required to do so by a magistrate, a medical officer not below the rank of an assistant surgeon or the health officer of the municipality:

Provided that the provisions of this sub-section shall not come into operation in any municipality until after the expiration of a period of six months from the publication of a notification by the Government in the Official Gazette extending the same to such municipality.

(3) Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous systems of medicine whether recognised by the British Pharmacopœia or not, when such drugs are not sold in a shop or place where medicines recognized by such Pharmacopœia are dispensed upon prescription.

Uncertificated person dispensing drugs.

171. (1) Whoever, within a municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 170 shall compound, mix, prepare or sell any drugs, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each offence; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform any one or more of such duties, shall, on conviction before a magistrate, be liable to a fine not exceeding two hundred rupees and shall be further liable at the discretion of such magistrate to forfeit his license.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 170 fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-section shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees :

Provided that this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the Official Gazette by the Government.

Unwholesome articles of food and drink.

172. (1) The president, vice-president or any councillor or officer authorised by the municipal council in this behalf—

(*a*) may at all reasonable times, enter into any place for the purpose of inspecting, and may inspect, any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale, or deposited in, or brought to, any place for the purpose of sale, or of preparation for sale, or may enter into and inspect any place used as a slaughter-house, and may examine anything which may be therein ; and

(*b*) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine, may seize the same.

Any article which is of a perishable nature may, under the orders of the president, vice-president or chairman of the managing committee or of a committee appointed under section 31, to exercise all or any of the powers vested in the municipal council under this sub-chapter, or of the municipal commissioner, if any, if in his opinion it is diseased, unsound, unwholesome or unfit for food, drink or medicine, forthwith be destroyed.

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a magistrate.

If it appears to the magistrate upon sufficient evidence that any such article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the magistrate shall cause such article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink or medicine.

Adulterated articles for food or drink.

(2) If any article intended for food or drink is in any place mentioned in sub-section (1), the president, vice-president, or officer authorised as aforesaid, in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a magistrate upon sufficient evidence that such article is not what it is represented to be, such magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink and the owner not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.

Explanation.—If such article having been exposed or stored in or brought to any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed to be for the purposes of this sub-section, an article which is not what it is represented to be:

Protection to persons acting in good faith.

Provided that when any article of food or drink referred to in this sub-section appears to the magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person

in whose possession the same is found, if such owner or person proves to the satisfaction of the magistrate—

(*a*) that such substance has been added to the article of food or drink, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or of drink or conceal the inferior quality thereof ; or

(*b*) that in the process of production, preparation or conveyance of such article of food or drink the extraneous substance has unavoidably come intermixed therewith ; or

(*c*) that, by a label distinctly and legibly written or printed on or with the said article of food or drink or by other means of public description, he has given sufficient notice that such substance has been so added ; or

(*d*) that—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

(3) It will be open to a municipal council, subject to the approval of the Government, to set apart any stall or specified locality for the sale of ghee and in such stall or specified locality, no ghee shall be sold or exposed for sale that is adulterated with any other substance.

Whoever sells or exposes for sale adulterated ghee in any stall or locality so set apart shall, on conviction before a magistrate be punished with fine which may extend to one hundred rupees and the magistrate may cause such

ghee to be destroyed or to be so disposed of as to prevent its being exposed for sale in such stall or locality.

Application for summons to be refused, if not applied for within reasonable time.

(4) In all prosecutions under this section the magistrate shall refuse to issue a summons for the attendance of any person accused of any offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

False weights and measures and instruments for weighing.

173. The president, vice-president, chief officer and health officer or any councillor or officer authorised by the municipal council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of Dangerous Diseases.*

Power which may at any time be exercised.

174. (1) Every municipal council may, subject to such limitations, restrictions and conditions, if any, as may be prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for prevention of dangerous diseases.

(2) The powers, which may be exercised under the preceding sub-section are :—

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be

supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf ;

(*b*) power to direct or authorise the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable, of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place ;

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease ;

(*d*) power to direct or cause the removal, on a certificate signed by the health officer of the municipal council or any duly qualified medical practitioner authorised by the municipal council in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, or in a place where his presence may be a danger to the neighbourhood, and who is suffering from a dangerous disease, to any hospital or place at which persons suffering from the said disease are received for medical treatment ; and to prohibit the person so removed from leaving such hospital or place without the permission of the municipal council ;

(*e*) power to require by written notice the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council ;

(*f*) power to provide the means, and to prescribe places, for disinfecting or washing, bedding or other articles which have been exposed to infection from any dangerous disease, and to direct the destruction thereof ;

(*g*) power—

(i) to provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease, and

(ii) when such provision is made, to prohibit the conveyance of such persons in all or any public conveyances, and

(iii) to direct that any conveyances, that may at any time be used for conveying any such person shall be immediately disinfected;

(*h*) power to prohibit—

(i) any person suffering from any dangerous disease from wilfully exposing himself, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, dharmasala, theatre, market or other place of public resort, or

(ii) any person in-charge of any person so suffering from so exposing such sufferer;

(*i*) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person prohibited knows, or has reason to believe, has been exposed to infection of any kind whatsoever from any dangerous disease;

(*j*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkana in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf;

(*k*) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which

there is reason to believe that persons have been suffering from dangerous disease.

(3) The municipal council may, in its discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience of an order passed in exercise of such powers.

(4) Any person who in a municipality disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council by this section, or obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Duties of municipal council on threatened or actual outbreak of dangerous disease.

175. (1) In the event of the municipality or any part thereof being at any time threatened or visited with an outbreak of any dangerous disease, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing such outbreak.

(2) In such event as aforesaid the Government may, by special notification, declaring that such municipality is threatened or visited with an outbreak of a dangerous disease, confer on the municipal council all or any of the powers specified in the following sub-section, and such municipal council shall, subject to such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe, exercise every such power so conferred on it until the same is withdrawn by means of a like notification.

(3) The powers, all or any of which may be conferred under the preceding sub-section, are—

(*a*) power to order, subject to the conditions,

(i) that the permission of a magistrate exercising not less than second class powers shall be in each case first obtained, and

(ii) that accommodation for all persons to whom the order refers is available, or shall be provided, elsewhere,

the evacuation of an infected building used as a dwelling, or of any part thereof, or of any building so used adjacent to such building, by the person or persons residing, whether habitually or temporarily, therein;

(*b*) power to direct the examination by a medical officer of persons and, if necessary the disinfection of the clothing, bedding or other suspicious articles belonging to persons, either arriving from places outside the municipality or residing in any infected building or building adjacent to any infected building, and to direct that any such person shall give his address and present himself daily for medical examination at such time and places as may be prescribed, for a period not exceeding ten days.

(*c*) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing, of the civil surgeon, or other senior medical officer of the district or other medical officer appointed by the Government in this behalf, such assemblages in such place, in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

(4) The municipal council may, in its discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section; but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penal clauses.

(5) If, in any municipality in which such declaration under sub-section (2), as aforesaid is for the time being in force, any person—

(*a*) knowingly disobeys any order which for the time being is in force in such municipality and which has been passed by the munici-

pal council in exercise of any power conferred on it by section 174 or under this section, or

(*b*) obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order,

such person shall be punished with fine which may extend to one thousand rupees.

Withdrawal and modification of powers and orders.

176. (1) The Government may at any time—

(*a*) withdraw any power conferred by or under sections 174 and 175;

(*b*) cancel or modify any limitation, restriction or condition prescribed in respect of any such power; or

(*c*) cancel any order passed by a municipal council in exercise of any such power.

(2) Every order passed by a municipal council in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipality.

Duties of municipal council in respect of disease among horses, dogs, cattle, sheep or goats.

177. If in any municipality any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

Proceedings to abate the overcrowding of the interiors of buildings.

178. (1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Procedure of magistrate.

(2) Such magistrate may, on the production of a certificate by a medical [1][or health] officer stating his

1. Added by Act XXI of 1939.

opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who, after the date specified in any requisition issued under sub-section (2), permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

Special powers which may be conferred by Government in respect of overcrowded areas notified by Government.

179. (1) If the Government is of opinion that risk of disease has arisen or is likely to arise, either to any occupier in, or to any inhabitants in the neighbourhood of, any area by reason of any of the following defects, namely—

(*a*) the manner in which either buildings, or blocks of buildings, already existing or projected therein are, or are likely to become, crowded together, or

(*b*) the impracticability of cleansing any such buildings, or blocks of buildings already existing or projected, or

(*c*) the want of drainage or scavenging, or the difficulty of arranging therein, for the drainage or scavenging of any such buildings or blocks or area as aforesaid, or

(*d*) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings,

the Government may by notification confer on the municipal council, to which such area is subject, all or any of the powers specified in sub-section (2) and the municipal council may, subject to the limitations, restrictions, modifications, conditions or regulations, if any, prescribed in this behalf, exercise within that area all powers so conferred, unless and until those powers are withdrawn by a subsequent notification of the Government.

(2) The powers, all or any of which may be conferred on a municipal council under sub-section (1), are as follows :—

(*a*) power, when any building or block, already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the municipal council likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed as the municipal council deems fit either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection, that the persons so addressed shall within a reasonable time as shall be specified in the notice, either pull down or remove the said building or block, or execute such works or take such action in connection therewith as the municipal council deems necessary to prevent all such risk of disease ;

(*b*) power by municipal or other agency, to pull down or remove the said building or block, or to execute such works or take such action, if the persons addressed in the said notice neglect so to do within the time specified therein ;

(*c*) power, subject to a right of appeal to an officer who may be empowered by the Government in this behalf and whose decision shall be conclusive, to prohibit by written notice addressed to the owner and occupier of any such site or space and by general notice published in the manner provided in sub-section (3) of section 185, the erection of any building or of any building exceeding such dimensions as may be specified ;

(i) on the site of any building which has in whole or in part in exercise of the power specified in clause (*a*) been pulled down, or

(ii) on any space not occupied by buildings whether such space is private property or not, and whether it is enclosed or not,

if the municipal council considers that in order to prevent such risk as aforesaid such site or space should not be built upon and either,

(*a*) to acquire such site or space, or

(*b*) to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof :

Provided that in every case compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 191 shall be paid to any person whose rights are affected by such prohibition.

(3) When in pursuance of any notice under sub-section (2), any building has been pulled down, the municipal council shall, unless it has been erected contrary to any provision of this Act or of any by-law in

force thereunder, pay to such owner or occupier as may have sustained damage thereby, reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section 191.

Closing places for disposal of the dead.

180. (1) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in Kannada shall be published in the official Gazette, and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades and occupations.*

Regulation of certain trades.

181. (1) If it be shown to the satisfaction of the municipal council that any building or place used or intended by any person to be used—

(*a*) for boiling or storing offal, blood, bones or rags;

(*b*) for salting, curing and storing fish ;

(*c*) for storing hides, horns or skins ;

(*d*) for tanning ;

(*e*) for the manufacture of leather or leather goods ;

(*f*) for dyeing ;

(*g*) for melting tallow or sulphur ;

(*h*) for washing or drying wool or hair ;

(*i*) as a brick, pottery or lime kiln ;

(*j*) for soap-making ;

(*k*) for oil-boiling;

(*l*) as a manufactory of sago;

(*m*) as a distillery;

(*n*) for storing hay, straw, fodder, wood, coal or other combustible material;

(*o*) as a quarry;

(*p*) as a cart-stand;

(*q*) for storing grain for trade purposes;

(*r*) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells, fumes or soot or dust arise, or which may involve risk of fire;

is or is likely by reason of such use and of its situation to become a nuisance to the neighbourhood, or is so used or is so situated as to be likely to be dangerous to life, health or property, the municipal council may by written notice require the owner or occupier—

(i) at once to discontinue the use of, or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such place, or

(ii) to use it in such manner, or after such structural alterations, as the municipal council in such notice prescribes, so that it may not become or may be no longer, a nuisance or dangerous.

Liability to penalty after notice.

(2) Whoever, after notice has been given under sub-section (1), uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health or property shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

(3) Upon a conviction being obtained under this section the magistrate shall, on the application of the municipal council, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other

steps to prevent such place being used for any purpose mentioned in sub-section (1).

Penalty for unlicensed places in a municipality in which by-laws under section 51 (1) (*b*) (iii) are in force.

(4) Whoever uses without a license, or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in sub-section (1) in any municipality in which by-laws are for the time being in force prescribing the conditions on and subject to which, the circumstances in which and the areas and localities in respect of which, licenses for such use may be granted, refused, suspended and withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Factories in crowded localities.

182. (1) In any municipality to which by a notification in the official Gazette this section is made to apply by the Government, no person shall establish in any premises, any factory as defined in the Mysore Factories Act, 1914, without the previous written permission of the municipal council.

(2) The municipal council may refuse to give such permission if it be of opinion that the establishment of such factory in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any by-laws framed in this behalf.

(3) Whoever establishes in any premises, any factory as aforesaid without or after the refusal of such permission, or in contravention of the terms of any by-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees.

Use of siren or whistle for summoning or dismissing workmen.

183. (1) No person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipal council.

(2) The municipal council may grant such license subject to such conditions as it may deem fit and may at

any time withdraw such license on giving one month's notice to the licensee :

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without or in contravention of any of the conditions of or after the withdrawal of such license, shall be punished with fine which may extend to fifty rupees.

Brothels.

184. In any municipality to which, on the application of the municipal council, the Government may by notification have declared this section to apply, any magistrate of the first class on receiving information that a house within the limits of such municipality is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used :

Provided that action under this section shall be taken only—

(*a*) with the sanction or by the order of the District Magistrate, or

(*b*) on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) *Service of notices and penalties on non-compliance therewith.*

Service of notices, etc., addressed to individuals.

185. (1) The service of every notice, and the presentation of every bill under this Act, on any person or to any person to whom it is by name addressed shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the municipal council in this behalf—

(*a*) by giving or tendering the notice or bill to the person to whom it is addressed ; or

(*b*) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill to, some adult male member or servant of his family ; or

(*c*) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address ; or

(*d*) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Service of notices, etc., on owners and occupiers of buildings and lands.

(2) When any notice or bill under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either—

(*a*) by giving or tendering the notice or bill to the owner or occupier, or if there be more owners or occupiers than one, to any one of them ; or

(*b*) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid ; or

(*c*) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

Public and general notices how to be published.

(3) Every notice which this Act requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such

conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the municipal council in by-laws in this behalf prescribes.

Defective form not to invalidate notice or bill. Execution of act required to be done by any notice.

(4) No notice or bill shall be invalid for defect of form.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 192.

Punishment for disobedience to orders and notices not punishable under any other section.

186. Whoever disobeys or fails to comply, with any lawful direction given by any written notice issued by a municipal council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the municipal council under any power so conferred shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction :

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Act.

Municipal council in default of owner or occupier may execute work and recover expense.

187. (1) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed ; and the expenses thereby

incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as the municipal council may deem fit.

Provided that—

Agreement for construction of drainage and water-connections.

(*a*) Whenever any drainage scheme or water works scheme has been commenced by any municipal council, it shall be lawful for the municipal council, without prejudice to its powers under sub-section (1) or section 121 or any other provision of this Act, to make a special agreement with the owner of any building or land as to the manner in which the drainage or water-connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the municipal council shall render, and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement, or in default, in the manner described in sub-sections (2) and (3):

Provided also that—

Improvement expenses.

(*b*) when an order has been passed under sub-section (1) of section 105, sub-section (1) of section 107, sub-section (2) or (7) of section 115 or under sections 119, 121, 127 or 128, or when permission has been given under section 122 or when an agreement has been made under proviso (*a*) of this sub-section, the municipal council may without prejudice to any other powers under this Act, if it thinks fit, declare any expenses incurred as aforesaid by the municipal council to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such instalments as the municipal council decides, including interest at the rate of six per cent per annum, and shall be recoverable in the manner described in sub-sections (2) and (3).

Power to levy charges on occupier, who may deduct the same from his rent.

(2) If the defaulter be the owner of the building or land, the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter,

occupies the building or land under such owner ; and in default of payment thereof by such occupier on demand the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII ; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than the amount of rent due.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expense charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the municipal council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable ; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier.

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

188. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipal council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings if any, occupier opposes the execution of the Act.

189. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to carry them into effect

has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day during which he so continues to refuse be punished with fine which may extend to fifty rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(11) *Miscellaneous.*

Entry for purposes of the Act.

190. It shall be lawful for the president, vice-president, chief officer, or any officer authorised by the municipal council for such purpose, to enter, for any purpose of this Act, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land:

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier:

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Arbitration in case of compensation, etc.

191. (1) If an agreement is not arrived at with respect to any compensation or damages, which are by this Act directed to be paid, the amount and if necessary, the apportionment of the same shall be ascertained and determined by a panchayet of five persons of whom two shall be appointed by the municipal council, two by the party to or from whom compensation or damages may

be payable or recoverable, and one, who shall be presiding member shall be selected by the members already appointed as above.

(2) If either party or both parties, fail to appoint members or if the members fail to select a presiding member within one month from the date of either party receiving written notice from the other of claim to such compensation or damages, such members as may be necessary to constitute the panchayet shall be appointed, at the instance of either party, by the District Judge.

(3) In the event of the panchayet not giving a decision within one month from the date of the selection of the presiding member, or of the appointment by the district court of such members as may be necessary to constitute the panchayet, the matter shall, on application by either party, be determined by the district court which shall, in cases in which the compensation is claimed in respect of land, follow as far as may be, the procedure provided by the Land Acquisition Act, 1894, for proceedings in matters referred for the determination of the court :

Provided that

(*a*) no application to the Deputy Commissioner for a reference shall be necessary, and

(*b*) the court shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit.

(4) In any case where the compensation is claimed in respect of land and the panchayet has given a decision, either party, if dissatisfied with the decision—

(*a*) on the ground of corruption or misconduct of the panchayet, or

(*b*) on the ground of either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the panchayet, or

(*c*) on the ground of the award having been made after the issue of an order of the court superseding the

arbitration and proceeding with the suit or after the expiration of the period allowed by the court, or being otherwise invalid,

may, within a month of the date thereof, apply to the district court, and the matter shall be determined by the district court in accordance with the provisions of sub-section (3).

(5) In any case where the compensation is claimed in respect of any land or building, the municipal council may, after the award has been made by the panchayet or the district court, as the case may be, take possession of the land or building, after paying the amount or the compensation determined by the panchayet or the district court to the party to whom such compensation may be payable. If such party refuses to accept such compensation, or if there is no person competent to alienate the land or building, or if there is any dispute as to the title to the compensation or as to the apportionment of it, the municipal council shall deposit the amount of the compensation in the district court.

Costs or expenses how determined and recovered.

192. If a dispute arises with respect to any costs or expenses which are directed to be paid, by any person under this chapter, the amount, and if necessary, the apportionment of the same shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

CHAPTER X.

Prosecutions, Suits and Powers of Police.

Municipal council may prosecute.

193. (1) The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or of any rule or by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund :

Provided that no prosecution for an offence under this Act or rule or by-law framed thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of magistrate.

(2) Any prosecution under this Act or under any rules or by-laws thereunder may, save as therein otherwise provided, be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule or by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Power to compound offences.

194. A municipal council may—

(*a*) compromise with any person who, in the opinion of the municipal council, has committed an offence punishable under this Act or any by-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Act or under any by-law made thereunder;

(*c*) compound any offence against this Act or against any by-law made thereunder which may by rules made by the Government be declared compoundable;

Provided that the Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

Limitation for distraint, etc.

195. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Act after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

Distress lawful though defective in form.

196. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same to be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Damage to municipal property how made good.

197. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand, the same shall be levied by distress, and such magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

198. In lieu of any process of recovery allowed by or under this Act, or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages payable under this Act, it shall be lawful for a municipal council to sue in any court of competent jurisdiction the person liable to pay the same.

Power of compromise.

199. (1) The municipal council may compound or compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council may make compensation out of the municipal fund to any person sustaining

any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Act.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the municipal council.

Assistance for the recovery of rent on land.

200. For the purpose of the recovery of any amount due on account of rent from any person to a municipal council in respect of any land vested in such municipal council, the municipal council shall be deemed to be a superior holder, and every such person an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the municipal council, as superior holder, shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

Limitation of suits, etc.

201. (1) No suit shall be instituted against any municipal council, president, councillor, officer, servant, or any person acting under the direction of such municipal council, president, councillor, officer or servant for anything done or purporting to be done under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a municipal council delivered or left at its office, and, in case of a president, councillor, officer or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Power of police officers.

202. (1) Any police officer may arrest any person committing in his view any offence against any of the

provisions of this Act, or of any rule or by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained:

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Act, or of any rule or by-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

Municipal Accounts and Administration Reports.

Prohibition of expenditure not budgeted for.

203. Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely:—

(*a*) refunds of taxes and other moneys which the municipal council is authorised by the Act, or the rules made thereunder to make;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*c*) sums which the municipal council is required or empowered by this Act to pay by way of compensation;

(*d*) every sum payable—

(i) under section 219 by order of the Deputy Commissioner and under sections 220, 221, 222, 224, and 227 by order of the Government,

(ii) under a decree or order of a civil court passed against the municipal council,

(iii) under a compromise of any suit or other legal proceeding or claim;

(*e*) expenses incurred in the exercise of powers conferred by sections 59(*a*), 174, 175 and 177;

(*f*) all contributions payable by the municipal council to the Government for the maintenance of water-supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or local authorities.

Presentation of accounts.

204. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and at a general meeting which shall be held between the first day of February and the first day of April a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following, together with a budget estimate of the income and expenditure of the municipal council for the official year to commence on the first day of July next following.

Budget estimates.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the municipal council shall be sent to the Government before such date as may be fixed by the Government.

(3) In such budget estimate, the municipal council shall, among other things—

(*a*) make adequate and suitable provisions for such service as may be required for the fulfilment of the several duties imposed on the municipal council by this Act or any other law;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the

municipal council may be liable in respect of loans contracted by it;

(*c*) provide for the payments of all sums payable to the Government under sections 220 and 221 and of all contributions for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality.

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

Revision of budget

205. If, in the course of the official year, the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 204; and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 204.

Maintenance of accounts and restrictions on expenditure.

206. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Act, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in July or after audit of the past official year's

accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of accounts.

207. (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

(2) The auditor or auditors shall for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon and in the case of a Government auditor such charges as may be prescribed by the Government.

Powers of Government auditor.

208. The Government auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

209. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts;

(*b*) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts; and

(*c*) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor. Municipal council to remedy defects.

210. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment. Disallowance by Government auditor and order by Deputy Commissioner.

(2) The Deputy Commissioner may, on the report of auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

211. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application the person so aggrieved may, within the like period appeal to the Government who shall pass such orders as it thinks fit. Appeal from order of Deputy Commissioner.

212. Every sum certified to be due from any person by the Deputy Commissioner under this Act shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Recovery of amounts disallowed.

Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

Transmission of accounts to Government.

213. The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct.

Publication of accounts.

214. The quarterly and annual accounts of receipts and expenditure, and the budget when sanctioned, shall be open to public inspection, and shall be published in such manner as the municipal council may prescribe in this behalf.

Annual administration report.

215. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Government, a report on the administration during the preceding official year in such form and with such details as the Government may direct.

(2) In a municipality for which there is a municipal commissioner, the municipal commissioner and in other municipalities the president shall prepare the report and place it before the municipal council for consideration and forward it to the Government with the resolution of the municipal council thereon.

(3) The report may be published in such manner as the municipal council, subject to the approval of the Government, may direct.

CHAPTER XII.

CONTROL.

Powers of inspection and supervision.

216. The Deputy Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any municipal council or any institution under its control

or management, or any work in progress under it or under its direction ;

(*b*) to call for any extract from the proceedings of any municipal council or of any committee, or for any book or document in the possession of or under the control of a municipal council, and any return, statement, account, or report which he may think fit to require such municipal council to furnish ;

(*c*) to require a municipal council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipal council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipal council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

Power to inspect the office of municipal council.

217. (1) The Government or any officer authorised by the Government in this behalf shall have power to inspect the office of any municipal council and call for the records of any such municipal council.

(2) The officer authorised under sub-section (1) shall submit the records for the orders of Government, if he is satisfied that the order or proceeding of the municipal council or its executive is contrary to law or orders for the time being in force.

Deputy Commissioner's power of suspending execution of orders, etc., of municipal councils.

218. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a municipal council, or the doing of anything which is about to be done or is being done by or on behalf of a municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government and to the municipal council affected thereby a copy of the order, with a statement of the reasons for making it ; and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in

force with or without modification, permanently or for such period as it thinks fit :

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government without giving the municipal council reasonable opportunity of showing cause against the said order.

Extraordinary powers of Deputy Commissioner in case of emergency.

219. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal council is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the municipal council.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who, for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 218 shall apply, so far as may be, to any order made under this section.

Agency for execution of public works.

220. (1) The Government, after consulting the municipal council, may direct that such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may specify.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under

the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Special provision in regard to works executed by the Government.

221. (1) Notwithstanding anything contained in this Act, it shall be lawful for the Government at any time after consulting the municipal council—

(*a*) to construct any work or works of a permanent nature which, in the opinion of the Government, is or are necessary or desirable for the health or safety of the inhabitants, whether within any municipality or without it wholly or in part;

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part, to the municipal council, or to resume the same from the municipal council;

(*c*) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Act.

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (*c*) of the preceding sub-section.

(3) The provisions of this section shall be deemed to apply with retrospective effect in respect of the works heretofore carried out at the expense of Government for the water-supply of the cities of Bangalore and Mysore.

Government inquiry into municipal matters.

222. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any matters with respect to which its sanction, approval or consent is required under this Act.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournments,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination of witnesses

and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

(*Chapter XII—Control*)

Power of Government to prevent extravagance in the employment of establishment.

223. (1) If in the opinion of the Government the number of persons who are employed by a municipal council as officers or servants or whom a municipal council proposes to employ, or the remuneration assigned by the municipal council to those persons, or to any particular person, is excessive, the municipal council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

(2) It shall be lawful for the Government—

Government may require any municipal council to appoint a health officer, or an engineer.

(i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a health officer, or of an engineer or both to be made by any municipal council;

(ii) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such municipal council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the municipal council;

(iii) to require that any person appointed to be a chief officer or a municipal commissioner shall be invested by any such municipal council with all or any of the powers which can, under this Act or under any rules in force at the time, be lawfully delegated to him, in addition to such powers as are conferred on him by section 236 or by Chapter XIV, as the case may be;

(iv) to require that all or any of the powers referred to in section 174 or in section 175 (if the conditions under which that section comes into operation exist), shall be delegated by any such municipal council, whether there be a chief officer or not, to the president, vice-president or any such councillor as the Government may deem fit.

(3) Any requisition issued to the municipal council under clause (i), (iii) or (iv) of sub-section (2) above

shall be complied with within such time as the Government may in each case, prescribe in that behalf.

Power of Government to provide for performance of duties, in default of municipal council.

224. (1) When the Government is informed, on complaint made or otherwise, that a municipal council has made default in performing any duty imposed on it by or under this Act, or by or under any enactment for the time being in force, the Government, if satisfied after due inquiry that the municipal council has been guilty of the alleged default, may fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Government may make an order directing any person, who for the time being has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

Power of Government to direct person in custody of municipal fund to pay Government dues.

225. If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

226. (1) If after such enquiry as the Government may consider necessary, the Government is of opinion that any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the Official Gazette, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and

may dissolve such municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(a) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors ;

(*b*) all powers and duties of the municipal council shall during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(*c*) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(i) in the case of dissolution, on the date specified in the order, or

(ii) in the case of supersession on the date specified in the order under sub-section (1) or sub-section (4) as the case may be.

Power after enquiry to continue period of supersession.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Disputes between a city municipal council and one or more other local authorities.

227. (1) If any dispute for the decision of which this Act does not otherwise provide exists between a city municipal council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Act and the dispute is not amicably settled the matter shall be referred to the Government who may take cognizance of the dispute and decide it ; and the decision of the Government shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

Power of Government to make rules and orders.

228. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Act and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed;

(*b*) (i) for fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected:

(ii) for prescribing the qualifications [1] of candidates;

(iii) for preparing and revising the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received; [1]

(iv) for determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie;

(v) for prescribing the date, subject to the provisions of sub-section (1) of section 11 for the publication of the municipal election roll;

(vi) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited;

1. Certain words omitted by Act XXXVI of 1951.

(*c*) for the regulation of all or any of the matters specified in clauses (*b*), (*c*), (*e*), (*f*) and (*g*) of section 49 ;

(*d*) the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or while having served under a municipal council has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipal council ;

(*e*) for regulating the period of service of all officers and servants and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances ; and for prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants ;

(*f*) prescribing the limitations, restrictions, modifications, conditions or regulations subject to which any municipal council shall exercise the powers conferred under section 179 shall be exercised and prescribing a fine not exceeding five hundred rupees for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach, of an order made or conditions imposed by any municipal council in exercise of the powers conferred upon it under the said section or in pursuance of the rules prescribed in that behalf ;

(*g*) as to the conditions under which ratepayers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom ;

(*h*) for the proper management and maintenance of any work constructed under section 221 and for the regulation of all matters and things connected therewith ;

(*i*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned ;

(*j*) as to the transfer to municipal councils the management of any institution not otherwise provided for by this Act ;

(*k*) for submission of returns, statements and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports ;

(*l*) for the regulation of all matters connected with the grant of permission under section 116 ;

(*m*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) The power of Government to make rules under this Act shall be subject to the condition of previous publication. All rules made by the Government under this Act shall be published in the Official Gazette both in English and Kannada and shall thereupon have effect as if enacted in this Act.

Power of Government to cancel or modify by-laws and rules of municipal councils.

229. (1) The Government may, at any time, by notification in the Official Gazette repeal wholly or in part or modify any rule or by-law made by any municipal council :

Provided that before taking any action under this sub-section the Government shall communicate to the municipal council the grounds on which it proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider the explanation and objections, if any, of the municipal council.

(2) The repeal or modification of any rule or by-law shall take effect from the date of publication of the

notification in the Official Gazette, if no date is therein specified, and shall not affect anything done, omitted or suffered before such date.

Powers of Government and of the Deputy Commissioners over subordinates.

230. In all matters connected with this Act, the Government and each Deputy Commissioner shall, respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Powers of officers acting for, or in default of, municipal council and liability of municipal fund.

231. When the Deputy Commissioner or any officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the municipal council under this Act, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Act as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

Restriction on the powers of the Deputy Commissioner.

232. The Deputy Commissioner shall not exercise the powers conferred on him under sections 216, 218 and 219 except under the special orders of the Government.

Power of Government to transfer Municipal Employees.

[1][**232-A.** (1) Notwithstanding anything contained in this Act, the Government shall have power to transfer any officer or servant of a Municipality to the service of any other Municipality or of any District Board constituted under [2] the Mysore District Boards Act, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as it may think necessary for the purpose of giving due effect to transfers made under sub-section (1).

Delegation of powers.

232-B. The Government may delegate all or any of its powers under this Act to any officer subordinate to it.]

1. Inserted by Act I of 1938.
2. Repealed and re-enacted as Mysore Act IV of 1952.

(*Chapter XIII—Appointment and powers of Chief and other Municipal Officers*)

CHAPTER XIII.

APPOINTMENT AND POWERS OF CHIEF AND OTHER MUNICIPAL OFFICERS.

Appointment of Chief Officer.

233. (1) Any municipal council may and when required by the Government by an order in this behalf shall within such time as may be fixed therein, appoint a chief officer for the municipality.

(2) The appointment of a person as chief officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, be removable from office, reduced, or suspended unless—

(*a*) by a resolution of the municipal council at a general meeting passed by a majority of not less than two-thirds of the whole number of councillors, or

(*b*) by resolutions of the municipal council at two general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other passed by a majority of not less than one-half of the whole number of councillors.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office of chief officer of any person appointed thereto and the tenure of such office by such person, shall cease and determine on and from the date on which such order is communicated to the municipal council.

(5) When a chief officer shall have been appointed, all other officers and servants employed by the municipal council, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

Appointment of Health Officer and Engineer.

234. (1) Any municipal council may, with the sanction of the Government, appoint a Health Officer and an Engineer or any one or more of such officers, whether temporarily or permanently.

(2) No such officer shall, save with the previous sanction of the Government, be removable from office, reduced or suspended, unless by the votes of at least two-thirds of the whole number of councillors.

(*Chapter XIII—Appointment and powers of Chief and other Municipal Officers*)

[1][234-A. Notwithstanding anything contained in this Act— Power of Government to assume powers of appointment by notification.

(*a*) the Government may, by notification, take power to appoint the Chief Officer, the Health Officer or the Engineer in the case of any Municipal Council;

(*b*) the Government may, at any time, withdraw any such Chief Officer, Health Officer or Engineer and appoint another in his place; and

(*c*) the Government shall have power to regulate the methods of recruitment conditions of service, pay and allowances and discipline and conduct of Chief Officers, Health Officers and Engineers appointed under clause (*a*).

234-B. So long as a notification under clause (*a*) of section 234-A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the powers of appointment under sections 233 and 234 of this Act.] Municipal Council to cease exercising powers of appointment in certain case.

235. The chief officer shall— Duties of chief officer.

(*a*) subject to the general control of the president, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under this Act;

(*b*) subject to the orders of the president, or of the managing committee or of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditors;

(*c*) report to the president, the managing committee and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property;

(*d*) supply any return, statement, account or report or a copy of any document in his charge called for by the municipal council or the managing committee and shall comply with any orders passed by the municipal council or the managing committee thereon; and

(*e*) subject to the control of the president, perform and exercise the duties and powers of the president specified in clauses (*b*), (*f*) and (*g*) of sub-section (1) of

1. Inserted by Act III of 1938.

section 24 and in clause (*e*) of the same sub-section in regard to officers and servants of the municipal council subordinate to the chief officer.

Powers of chief officers.

236. The chief officer shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the municipal council under the provisions of this Act—

(*a*) he shall have power, subject to the provisions of this Act and of the by-laws for the time being in force thereunder, to grant, give and issue under his signature all licenses and permissions which may be granted or given by a municipal council under this Act, other than licenses for markets or slaughter-houses ;

(*b*) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any license in any case in which he is empowered as aforesaid to grant or give a license, and in which the municipal council may under the provisions aforesaid suspend, withhold or withdraw such license ;

(*c*) he shall receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid ;

(*d*) he may, subject to the control of the president and to the provisions of section 41—

(i) enter on behalf of the municipal council into contracts which do not involve an expenditure of over fifty rupees ; and

(ii) invite, on behalf of the municipal council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council ; and

(*e*) he may make such requisitions, by written notice give such written consent or premission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a municipal council under any provisions contained in —

section 78,
section 82, sub-sections (2) and (3),
section 88,

(*Chapter XIII—Appointment and powers of Chief and other Municipal Officers*)

section 92, sub-sections (3), (4) and (5),
section 94, proviso to sub-section (2),
section 95,
section 96,
section 97,
section 99,
section 101, sub-section (3),
section 107, sub-section (2),
section 113,
section 115, sub-sections (2), (3) and clause (*a*) of sub-section (6),
section 117,
section 119,
section 122,
section 131, sub-section (1),
section 132,
section 136,
section 137,
section 139,
section 140,
section 141,
section 142,
section 143,
section 144,
section 145,
section 146,
section 147,
section 148,
section 149,
section 150,
section 151,
section 153,
section 154, sub-section (1),
section 155,
section 156,
section 158,
section 161,
section 167, sub-section (3),
section 172,
section 173,
section 174, sub-section (2),
section 185 and
section 186.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

Chief officer's powers of appointment and punishment.

237. The chief officer shall have, independently of such powers as may be delegated to him by the municipal council in this behalf, power—

(a) to appoint—

(i) without the previous sanction of the municipal council, to any post the monthly salary for which does not exceed fifteen rupees, and

(ii) with such previous sanction, in each case, any post under the municipal council other than that of the health officer, engineer or chief accountant, and

(b) to fine, reduce, suspend or dismiss any municipal servant whose salary does not exceed fifteen rupees, and, subject to the provisions of the rules for the time being in force, any other municipal officer or servant not being the health officer, engineer, or chief accountant, provided that his order in respect of any punishment shall be subject to an appeal to the municipal council.

Chief Officer may make explanations at meetings.

238. The chief officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the municipal council or of any committee, make an explanation, in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

CHAPTER XIV.

Municipal Commissioner, His Powers and Duties.

Appointment of municipal commissioner.

239. (1) Notwithstanding anything contained in chapter XIII, the Government may appoint a municipal commissioner for any city municipality.

(2) On the appointment of a municipal commissioner, the appointment of chief officer, if any, shall forthwith terminate, provided that the appointment of a municipal commissioner shall not be made until such notice has been given to the chief officer, as the term of his appointment entitles him to receive and until the expiry of the period specified in such notice.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

(3) The Government may, at any time, discontinue the appointment of a municipal commissioner for any municipality for which such appointment has been made.

Removal from office.

240. (1) A municipal commissioner who is not a salaried servant of the Government shall hold office for a period of three years, in the first instance, and thereafter for such further period not exceeding three years at a time as the Government may in each case determine. A municipal commissioner who is a salaried servant of the Government shall hold office for such period as the Government may, from time to time, fix in each case.

(2) A municipal commissioner may be removed from office at any time by the Government if it shall appear to the Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient.

(3) The municipal commissioner shall be removable from office by the Government if at a special general meeting of the municipal council called for the purpose. not less than two-thirds of the whole number of councillors vote for such removal.

Salary of municipal commissioner.

241. (1) A municipal commissioner shall receive such monthly salary payable wholly by the municipal council or partly by the municipal council and partly by the Government, as the Government may from time to time, determine with due regard to the resources of the municipality.

Prohibition of engagement in other business.

(2) A municipal commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force, and shall not engage in any other profession, trade or business whatever:

Provided that the Government may assign to him any other work of local importance or interest, if in its opinion, he can perform such additional work without prejudice to his duties as municipal commissioner.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

Leave of absence.

242. (1) The Government may, from time to time, in consultation with the municipal council, grant leave of absence for such period as it thinks fit to a municipal commissioner.

Leave allowance.

(2) The allowance to be paid to a municipal commissioner while absent on leave, shall be of such amount, not exceeding his salary, as shall be fixed by the Government :

Provided that, if the municipal commissioner is a salaried servant of the Government, the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of the Government of his class.

Appointment of substitute.

(3) During any absence on leave, or other temporary vacancy in the office of a municipal commissioner, the Government may appoint a fit person to act as municipal commissioner. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by or under this Act or by any other enactment for the time being in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable.

Contribution from municipal council towards pensions and leave allowances of municipal commissioners.

243. (1) When a salaried servant of the Government is appointed to be a municipal commissioner, the municipal council shall, unless specially exempted wholly or in part from liability by the Government, contribute to his pension and leave allowances to the extent required by the rules prescribed under sub-section (2) of section 228.

(2) When a person other than a salaried servant of the Government is appointed to be a municipal commissioner, the municipal council shall pay from municipal fund the whole of his leave allowances fixed, as hereinbefore provided by the Government, and may, with the sanction of the Government, grant him a pension or gratuity on retirement, or grant a compassionate allowance to his family on his death.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

Power of municipal council to require returns, reports or production of documents.

244. (1) The municipal council may require the municipal commissioner to furnish it with—

(*a*) any return, statement, estimate, statistics, or other information regarding any matter appertaining to the administration of this Act or to the municipal government of the municipality;

(*b*) a report on any such matter; and

(*c*) a copy of any document in his charge:

Provided that in emergent cases which do not admit of delay till a meeting of the municipal council is called, the president may call for information, return, statistics, estimate, etc., referred to above.

(2) The municipal commissioner shall comply with every such requisition without unreasonable delay.

Powers of municipal commissioners and limitations thereon.

245. A municipal commissioner shall exercise the powers hereinafter specified, and such other executive powers as may be delegated to him by the municipal council under the provisions of this Act—

(1) he shall, subject to the provisions of this Act and save where it is otherwise expressly provided in this Act, perform and exercise the duties and powers of the president under clauses (*b*), (*d*), (*e*) and (*g*) of sub-section (1) of section 24;

(2) he shall exercise all the powers specifically conferred on the chief officer by the provisions of this Act; and

(3) he may make such requisition by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a municipal council under any of the provisions contained in the following sections or sub-sections, namely:—

section 73,

section 81, except in cases where the amount to be remitted or refunded exceeds two hundred and fifty rupees.

(*Chapter XIV—Municipal Commissioner, His Powers and Duties*)

section 83,
section 91,
section 93,
section 105,
section 107,
section 109,
section 110,
section 112,
section 115,
section 118,
section 120,
section 121,
section 124,
section 126,
section 127,
section 128,
section 129,
section 130,
section 131, sub-section (2),
section 133, sub-section (1),
section 135,
section 138,
section 159,
section 174,
section 175,
section 177,
section 178,
section 181,
section 187,
section 188,
section 190,
section 192,
section 193, and
section 194.

Provided as follows :—

(*a*) The powers conferred on the municipal council by or under the provisions contained in section 83, section 105, section 107, section 110[1] sub-section (1) of section 129, section 135, sub-section (1) of section 138, and, in the

1. Certain words omitted by Act XVI of 1950.

case of a well, section 159, shall not be exercised by the municipal commissioner except subject to the general or special orders of the municipal council or, in the absence of such orders, with the previous approval of the municipal council ;

(*b*) The powers conferred on the municipal council by or under any of the provisions of this Act (i) to make rules or by-laws, and (ii) to authorise the president or the vice-president, or a committee or a councillor to do anything, shall not be exercised by the municipal commissioner ;

(*c*) Property, whether movable or immovable, vested in or belonging to or otherwise held by the municipal council, shall not be deemed to vest in or belong to or otherwise to be held by the municipal commissioner ;

(*d*) The power conferred by section 193 to direct a prosecution or to order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections shall not be exercised by the municipal commissioner except with the previous approval of the municipal council ;

section 46, sub-section (4) of section 107, section 165 and clause (*f*) of sub-section (2) of section 228.

Municipal commissioner deemed to be authorised in certain matters although not expressly so authorised.

246. When a municipal council empowered by any of the provisions of this Act or by any by-laws made hereunder to authorise an officer to exercise any power whatever or to do anything, has so authorised any officer, it shall be deemed so to have authorised the municipal commissioner notwithstanding that it has not expressly so authorised him.

Punishment for person disobeying lawful direction given by municipal commissioner.

247. Whoever disobeys or fails to comply with a lawful direction given by the municipal commissioner in any matter shall be punishable in the same manner as a person who disobeys or fails to comply with a lawful direction given by the municipal council in the same matter.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

Powers of municipal commissioner to appoint, grant leave, punish and dismiss.

248. (1) A municipal commissioner shall have, independently of such powers as may be delegated to him by the municipal council in this behalf, power without the sanction of the municipal council—

(*a*) to appoint, subject to the rules for the time being in force, a fit person to any post under the municipal council, the monthly salary for which does not exceed sixty rupees, other than to the post of health officer, engineer, chief accountant, manager or auditor;

(*b*) to grant, subject to the rules for the time being in force, leave of absence to the holder of any post to which the municipal commissioner has power to appoint, and to appoint a fit person to act for such holder during such absence;

(*c*) to fine, reduce, suspend or dismiss the holder of any post to which the municipal commissioner has power to appoint.

(2) When a municipal commissioner has been appointed under the provisions of this Act, all other officers and servants employed by the municipal council shall be subordinate to him.

Order not subject to appeal except in certain cases.

249. No appeal shall lie to the municipal council in respect of any order passed or anything done by a municipal commissioner in the exercise of powers conferred upon him by or under the provisions of this Act except in the case of an order passed or anything done by him under any of the following provisions, namely:—

(*i*) Sub-section (4) of section 107, (*ii*) sub-sections (1) and (2) of section 109, (*iii*) [1][sub-clause (*b*) of clause (*i*) of sub-section (6) of section 115,] (*iv*) sub-section (1) of section 118, (*v*) sub-section (1) of section 120, (*vi*) sub-section (1) of section 124, (*vii*) sub-section (2) of section 154, (*viii*) section 155, (*ix*) section 181, (*x*) section 182, (*xi*) clause (*b*) of sub-section (1) of section 187, (*xii*) section 192, (*xiii*) clause (*c*) of sub-section (1) of section 248 in respect of an order of dismissal.

---

1. Substituted by Act XVI of 1950.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

Delegation of powers of municipal commissioner.

250. (1) With the sanction of the municipal council, the municipal commissioner may by general or special order in writing delegate to any municipal officer or servant any of the municipal commissioner's powers, duties or functions under this Act or under any rule or by-law made hereunder except such as are conferred or imposed upon or vested in him under the following sections, namely, 181, 193 and 248.

(2) The exercise or discharge by any municipal officer or servant of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations, if any, as may be prescribed in the said order and also to the control of and revision by the municipal commissioner.

Power to execute contracts on behalf of municipal council.

251. In any municipality for which a municipal commissioner has been appointed, notwithstanding anything contained in section 41, the following provisions with respect to the making of contracts under or for any purposes of this Act shall have effect, namely :—

(*a*) every such contract shall be made on behalf of the municipal council, by the municipal commissioner;

(*b*) no such contract for any purpose which the municipal commissioner is not empowered by this Act to carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given;

(*c*) no contract for the purchase, sale, lease, mortgage or other transfer of immovable property, shall be entered into by the municipal commissioner except with the approval or sanction of the municipal council;

(*d*) no contract which will involve an expenditure exceeding five hundred rupees shall be made by the municipal commissioner except with the approval or sanction of the municipal council;

(*e*) every contract made by the municipal commissioner involving an expenditure exceeding two hundred and fifty rupees and not exceeding five hundred rupees

shall be reported by him, within fifteen days after the same has been made, to the municipal council;

(*f*) the foregoing provisions of this section shall apply to every variation or discharge of a contract as to an original contract.

Mode of executing contracts.

252. (1) Notwithstanding anything contained in sub-sections (7) and (8) of section 41, every contract entered into by a municipal commissioner on behalf of a municipal council shall be entered into in such manner and form as would bind such municipal commissioner if such contract were on his own behalf, and may in like manner and form be varied or discharged:

Provided that—

(*a*) where any such contract, if entered into by a municipal commissioner, would require to be under seal, the same shall be sealed with the common seal of the municipal council;

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the municipal council and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(2) The common seal of the municipal council shall not be affixed to any contract or other instrument, except in the presence of two members of the managing committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

(3) No contract not executed in the manner provided in this section shall be binding on the municipal council.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

Tenders to be invited for contracts involving expenditure exceeding five hundred rupees.

253. (1) Except as is otherwise provided in sub-section (3), a municipal commissioner shall at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees, give notice by advertising in the local newspapers, inviting tenders for such contract.

(2) A municipal commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (*d*) of section 251, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(3) The municipal council may, subject to the provisions of section 41, authorise the municipal commissioner, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

254. A municipal commissioner shall require security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under the Act.

SCHEDULE A.

ENACTMENTS REPEALED.

Year.	No.	Title or short title.
1906	VII.	The Mysore Municipal Act, 1906.
1911	IX.	An Act further to amend the Mysore Municipal Act of 1906.
1914	VIII.	An Act further to amend the Mysore Municipal Act of 1906.
1915	VIII.	An Act further to amend the Mysore Municipal Act of 1906.
1916	III.	An Act further to amend the Mysore Municipal Act of 1906.
1918	V.	An Act further to amend the Mysore Municipal Act of 1906.
1921	I.	An Act further to amend the Mysore Municipal Act of 1906.
1922	V.	An Act further to amend the Mysore Municipal Act of 1906.
1923	IV.	An Act further to amend the Mysore Municipal Act of 1906.
1926	IV.	An Act further to amend the Mysore Municipal Act of 1906.
1927	VIII.	An Act further to amend the Mysore Municipal Act of 1906.
1928	XIII.	An Act further to amend the Mysore Municipal Act of 1906.
1929	III.	An Act further to amend the Mysore Municipal Act of 1906.
1930	IX.	An Act further to amend the Mysore Municipal Act of 1906.
1931	VI.	An Act further to amend the Mysore Municipal Act of 1906.

(Schedule I)

SCHEDULE I.

[*Section 64, clauses (i), (vi) to (x) and (xiii).*]

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TERMINAL-TAX, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP-TAX.

Taxes	Maximum rate per year
A. Rate on buildings or lands or both—	
(*i*) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use.	Eight annas for every one hundred square yards.
(*ii*) Buildings or lands or both not falling under (*i*).	Six per centum on the annual letting value.
B. Tax on dogs	One rupee per head.
C. Special Sanitary Cess ..	Rates that may be notified by the Government from time to time.
D. General Sanitary Cess ..	Do do
E. Water rate or water rates ..	Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply.
F. Lighting tax	One-third of the rate leviable under item (A).
G. Other taxes leviable under clause (xiii) of section 65.	Rates to be fixed by Government in each case.

(*Schedule II*)

SCHEDULE II.

[*Section* 64, *clauses* (*iv*) *and* (*v*).]

Maximum rates of octroi and terminal tax.

Taxes	Maximum rate
A. Octroi.—	Rs. a. p.
Class I.—Articles of food or drink for men or animals.-	
Coconuts, fresh ..	0 0 1 each.
Coconuts, dry	0 8 0 per maund of 960 tolas.
Betel-leaves	1[0 0 2 per bundle of 100 leaves.]
Sugar	1 0 0 per cent *ad valorem*.
Jaggery	0 2 0 per maund of 960 tolas weight.
Ghee	0 8 0 do
Butter	0 6 0 do
Oats	1 0 0 per cent *ad valorem*.
Bran	1 0 0 do
Chaff	1 0 0 do
Class II.—Animals used for slaughter.—	
Sheep and goats ..	0 2 0 per head.
Class III.—Oils and oil seeds—	
Kerosene oil	0 2 0 per tin.
Other oils	0 2 0 per maund of 960 tolas weight.
Oil seeds	0 4 0 per candy of 160 seers.
Class IV.—Articles used in the construction of buildings.—	
1. Timber	Rates to be fixed by the Government from time to time.
2. Chunam or lime ..	0 4 0 per cart load.
3. Roofing tiles (Mangalore pattern) ..	1 9 0 per cent *ad valorem*.
Class V.—Tobacco ..	4 0 0 per maund of 960 tolas.
Class VI.—Piece-goods and other textile fabrics and manufactured articles of clothing and dress ..	0 0 3 per rupee *ad valorem*.
Class VII.—Metals ..	1 9 0 per cent *ad valorem*.
Class VIII.—Other articles which are not specified above and which may be approved by the Government by an order in this behalf	2 0 0 do
B. Terminal Tax ..	Rates to be fixed by the Government from time to time.

1. Substituted for the original figures and words by Act XXVI of 1940.

(Schedule III)

SCHEDULE III.

[See *section* 64, *clause* (*ii*).]

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION.

	Yearly. Rs.	a.	p.
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks	6	0	0
For every motor bus or motor lorry	60	0	0
For every motor car weighing 15 cwts. or more ..	40	0	0
For every motor car weighing not less than 15 cwts. ..	30	0	0
For every motor cycle	15	0	0
For every other vehicle with springs and every palanquin, bicycle or tricycle and every trailer attached to a motor car	6	0	0
For every cart or other vehicle without springs ..	4	0	0
For every boat	4	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands ..	4	0	0
For every horse of or under eleven hands and for every mule	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

SCHEDULE IV.

[See *section* 64, *clause* (*xi*).]

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS.

		Rs.	a.	p.
1.	On every motor bus as defined in the Motor Vehicles Rules or a motor lorry	2	0	0
2.	On every motor car	1	0	0
3.	On every motor tricycle or bicycle or trailer attached to a motor car	0	4	0
4.	On every four-wheeled carriage	0	8	0
5.	On every two-wheeled carriage on springs other than a jutka	0	4	0
6.	On every jutka laden	0	2	0
7.	On every jutka unladen	0	1	0
8.	On every other vehicle with springs including a tricycle or bicycle	0	2	0
9.	On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
10.	On every cart or other vehicle not on springs drawn by two buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0	2	0
11.	On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
12.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0

(*Schedule V*)

SCHEDULE V.

[See *section* 64, *clause* (*xi*).]

MAXIMUM RATES OF TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

CLASS I.

	Yearly.
Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to two thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to two thousand rupees a month or upwards :—	
(i) carrying on business as a company ;	
(ii) abkari renters, wholesale and retail traders, and manufacturers of every kind, contractors, auctioneers and commission agents ;	
(iii) bankers, money-lenders, money-changers and pawn brokers ;	
(iv) editors and proprietors of newspapers ;	
(v) brokers and dealers in securities, shares or bills of exchange ;	
(vi) practising barristers, advocates, high court vakils, solicitors, attorneys, pleaders, and law agents ;	
(vii) practising medical practitioners of all kinds including hakims and vaidyans ;	Rs. 100
(viii) dentists and veterinary surgeons ;	
(ix) architects and civil engineers ;	
(x) owners and farmers of markets and toll-farmers ;	
(xi) keepers of hotels, lodging houses or boarding houses ;	
(xii) builders and surveyors ;	
(xiii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds ;	
(xiv) professional artists, photographers, actors, owners or managers of circuses or theatrical companies, musicians and dancers ;	
(xv) dealers in animals or vehicles, and owners or keepers of livery stables or hackney carriages ;	
(xvi) artizans.	

CLASS II.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to one thousand five hundred rupees a month or upwards	75

(*Schedule V*—contd.)

CLASS III.

	Rs.
Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to one thousand rupees a month or upwards ..	50

CLASS IV.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards ..	25

CLASS V.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards	12

CLASS VI.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards ..	8

CLASS VII.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards ..	4

CLASS VIII.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to fifty rupees a month or upwards ..	2

CLASS IX.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to thirty rupees a month or upwards ..	1

NOTE.—The foregoing classification is subject to the following provisos, namely :—

PROVISO 1.—No owner of a cotton press shall be placed in any class below Class IV.

PROVISO 2.—No wholesale trader, banker, barrister, advocate, high court vakil, solicitor, attorney, architect, civil engineer, mill-owner or factory-owner shall be placed in any class below Class V.

PROVISO 3.—No abkari renter (other than a mere liquor shop-keeper), editor or proprietor of a newspaper, broker or

other dealer in securities, shares or bills of exchange, and no pleader, medical practitioner (other than a hakim or vaidyan), dentist or veterinary surgeon shall be placed in any class below Class VI.

PROVISO 4.—No boat-owner, auctioneer, money-lender, owner or, farmer of a market, toll-farmer, keeper of a hotel, lodging-house or boarding-house and no builder, surveyor or owner of a ware-house or press (other than a cotton press or oil press) shall be placed in any class below Class VII.

SCHEDULE VI.

[*See section 64, clause (xii)*.]

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION.

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops. (For each shop per year)..	50	40	30	20	10	5
2. Other places where business or profession is carried on for purposes of profit. (For each place per year.) ..	50	40	30	20	10	5

SCHEDULE VII.

[*See clause (b) of section 65.*]

Notice is hereby given to the inhabitants of the municipality of ..... that the municipal council desires to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended, [in lieu of the tax known as the ..... which is published at page ..... of the sanctioned rules.]

To be inserted if the tax is to be substituted for any existing tax.

Any inhabitant of the municipality objecting to the proposed tax may, within one month from the date of this notice, send his objections in writing to the municipal council.

RULES.

[The rules prepared by the municipal council under clause (*a*) of section 65 are to be appended here.]

SCHEDULE VIII.

(*See section* 78.)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT.

To the President of the municipal council.

I, A. B., hereby give notice, as required by section 77 of the Mysore City Municipalities Act, 19 , of the following transfer of property :—

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of the property					If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries		

(Sd.) A. B.

(*Schedule IX*)

SCHEDULE IX.

(*See section* 78.)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT.

To the President of the municipal council.

I, A. B., hereby give notice, as required by section 77 of the Mysore City Municipalities Act, 19 , of the following transfer of property :—

Date of notice	In whose name the property is at present entered in the municipal registers	To whose name it is to be transferred	Description of property					Remarks
			Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	

(Sd.) A. B.

(*Schedules X and XI*)

SCHEDULE X.

[*See sub-section* (3) *of section* 95.]

FORM OF NOTICE OF DEMAND.

To

A. B., residing at .....

Take notice that the municipal council of ..... demand from..... the sum of..... ..... due from .... on account of ..... (here describe the property or other subject in respect of which the tax is leviable) leviable under rule No. ..... for the period of ..... commencing on the day of ..... 19 .... and ending on the ..... day of ..... 19 ...., and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at ..... or sufficient cause for non-payment is not shown to the satisfaction of the municipal council, a warrant of distress will be issued for the recovery of the same with costs.

Dated this ..... day of ..... 19 ..,

(Signed)

By order of the municipal council of

SCHEDULE XI.

[*See sub-section* (1) *of section* 96.]

FORM OF WARRANT.

To

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B., of ..... has not paid, and has not shown satisfactory cause for the non-payment, of the sum of .. .. due for the tax * ..... mentioned in the margin for the period commencing on the day of 19 ...., and ending with the ..... day of ..... 19 .... and leviable under rule No. .....

* Here describe the tax.

And whereas fifteen days have elapsed since the service on him of notice of demand for the same;

This is to command you to distrain, subject to the provisions of section 96 of the Mysore City Municipalities Act, 19 ....., the goods and chattels of the said A, B to the amount of ....., being the amount due from him, as follows :—

	Rs.	a.	p.
On account of the said tax			
For service of notice			

and forthwith to certify to me together with the warrant all particulars, of the goods distrained by you hereunder.

Dated this ..... day of ..... 19 ..,

(Signed.)

President (or as the case may be), see section 96 (2).

(*Schedule XII*)

SCHEDULE XII.

[*See clause* (c) *of sub-section* (5) *of section* 96 *and sub-section* (1) *of section* 92.]

FORM OF INVENTORY AND NOTICE.

To

A. B., residing at .....

Take notice that I have this day distrained the goods and chattels specified in the inventory beneath this, for the value of.... ..... due for the tax * ..... mentioned in the margin for the period commencing with the day of ..... 19 ...., and ending with the day of ..... 19 ...., together with Rs. ..... due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at ..... the said amount together with the costs of recovery, the said goods and chattels will be sold.

* Here descri the tax.

Dated this ..... day of ..... 19 ,

Signature of Officer executing the warrant. / collecting octroi / collecting toll.

INVENTORY.

(Here state particulars of goods and chattels distrained.)

MYSORE ACT No. VII OF 1933.

THE MYSORE CITY MUNICIPALITIES ACT, 1933.

TABLE OF CONTENTS.

CHAPTER I.

PRELIMINARY.

Sections.

1 (1) Short title.
(2) Local extent.
(3) Commencement.

2 Repeal.
(*a*) Saving clause.

3 Interpretation section.

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) *Municipalities.*

4 (1) Delimitation of City Municipalities.
(2) Limits to be specified in notification.
(3) Erection and maintenance of boundary marks.
(4) Property and rights of Municipal Council, which has ceased to exist, to vest in Government.

5 Conversion of Town Municipalities into City Municipalities.

6 (1) What local areas may be declared to be City Municipalities.
(2) Naming of Municipalities comprising two or more places.

7 City Municipalities.

(2) *Municipal Councils.*

8 Constitution and incorporation of City Municipal Councils.

9 (1) Municipal Councils to consist of elected and nominated Councillors.
(2) In specified proportions.

10 Reservation of seats for scheduled castes.

10-A Territorial divisions for elections.

10-B Qualification for enrolment in the election roll.

11 (1) Operation of lists.
(2) Right to vote to depend on entry in roll.
(3) Enrolment in Municipal Election roll necessary for elected Councillor.

(3) *Municipal Councillors.*

Sections.

12 (1) General Disqualification for becoming a Councillor.
(2) Disabilities from continuing to be a Councillor.
(3) Power of Government to decide whether vacancy has occurred.

13 Resignation.

14 Liability to removal from office.

15 Term of office.

16 Casual vacancies how to be filled up.

17 Casual vacancies occurring by increasing the number of Councillors.

18 Re-eligibility of Councillors.

19 Publication of names of Councillors and Presidents and Vice-Presidents in the Official Gazette.

(4) *Municipal Elections.*

20 (1) Determination of validity of elections; enquiry by the Election Commissioner; procedure.
(3) (*a*) Declaration in case of corrupt practice by a candidate.
(*b*) Scrutiny of votes and declaration in other cases.
(4) What is a corrupt practice.
Candidate when deemed to have committed corrupt practice.
Promise of individual profit.
(5) Mere irregularities and informalities not to invalidate election.
(6) Disqualification of candidate for corrupt practice.

21 Bar of suits relating to election, etc.

(5) *Municipal Government.*

22 Municipal Government to vest in the Municipal Council.

(6) *Presidents and Vice-Presidents.*

23 (1) Every Municipal Council to have a President and if the Municipal Council so desires, a Vice-President.
(2) President to be appointed or elected.
(3) Effect of notification of *ex-officio* President.
(4) Vice-President to be elected.
(5) Salaried servants of Government ineligible for election.
(6) When Deputy Commissioner may perform functions of President.
(7) Consequence of absence of President or Vice-President without leave.
(8) Limit of grant of leave and arrangement during leave.

Sections.

(9) Vacation of office by Vice-President on becoming President.
(10) Vacation of office by President and Vice-President for want of confidence.
(11) Removal of Presidents and Vice-Presidents.
(12) Term of office of President and Vice-President.
(13) Vacancies in their office how to be filled up.
(13-A) Power of Government to authorise Vice-President or Municipal Commissioner to perform functions of President during his absence.
(14) Remuneration of President and Vice-President of Municipal Council.

24 Functions of Presidents.
(3) Channel of communication with Government.

25 Custody of records.

26 Functions of Vice-Presidents.

CHAPTER III.

Conduct of Business.

(1) *Municipal Meetings.*

27 Provisions in regard to meetings of a Municipal Council.
(1) Ordinary general meetings.
(2) Special general meetings.
(3) Notice to be given of meetings.
(4) Municipal meetings to be held at Municipal office.
(5) Meeting how presided over in the absence of both the President and Vice-President.
(6) Meeting must ordinarily be open to the public.
(7) Number of Councillors required to form a quorum.
(8) Business to be transacted at meetings and order of business how to be settled.
(9) Minutes of Proceedings to be kept.
(10) All questions must be decided by a majority of votes.
(11) Councillor not to vote on questions in which he has pecuniary interest.
(12) Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.
(13) Adjournments of meetings.
(14) Modification and cancellation of resolutions.
(15) Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.
(16) (*a*) Certain Government Officers may attend meetings of Municipal Councils.
(*b*) Municipal Council may require the presence of certain of the said officers at their meetings.

28 Right of Municipal Commissioner to be present and to speak at Municipal Meetings.

Sections.

29. Rights and privileges of individual Councillors and President.

(2) *Committees.*

30 (1) Managing Committee.
(2) Power of Managing Committee.

31 Other committees.

32 When persons other than Councillors may serve on Committees. Duties, etc., of such persons.

33 Casual vacancies—Re-eligibility.

34 (1) When Chairman to be *ex-officio.*
(3) When no *ex-officio* Chairman, Municipal Council may appoint Chairman.
(4) When *ex-officio* or appointed Chairman does not attend meeting, committee may appoint Chairman of meeting.
(5) If there is no Chairman, *ex-officio* or appointed by the Municipal Council.

35 (1) Procedure at meeting.
(2) Committees shall meet when they think proper.
(3) Number of members required to form quorum at committee meetings.

36 (1) Procedure by circular.
(2) Propositions when to be sent to Government Officers for remarks.
(3) Decisions how to be taken on propositions circulated.
(4) How to be recorded.

37 (1) Subordination of committees to instructions of Municipal Council, and compliance with requisitions of Municipal Council.
(2) Orders subject to revision and appeal.

(3) *Delegation of Powers to individuals.*

38 Powers, duties and functions may be delegated to officers whose expenses may be paid.

(4) *Validity of Proceedings.*

39 (1) Acts and proceedings of Municipal Council and committees not vitiated by disqualifications, etc., of members thereof.
(2) Proceedings of meetings to be good and valid, until the contrary is proved.
(3) Vacancy not to affect Municipal Council's Proceedings

(5) *Joint transactions with other Bodies.*

40 Joint committees of two or more Municipal Councils.

(6) *Contracts.*

Sections.

41 (1) Competency of Municipal Council to lease, sell, and contract.
(2) Subject in certain cases to sanction of Government.
(3) Sanction by resolution at general meeting requisite to validity of certain contracts.
(4) Sanction of Municipal Council when requisite in other cases.
(5) When tenders should be invited.
(6) Sanction by committees and individuals empowered.
(7) Mode of executing contracts.
(8) Invalidity of contract unless requirements of section are fulfilled.

42 Contracts by officers appointed by Government to execute Municipal Works and payment for such works.

(7) *Compulsory acquisition of land.*

43 Acquisition of land.

(8) *Liabilities of Councillors, Officers and Servants.*

44 (1) Municipal fund ordinarily liable for all costs and expenses incurred by Municipal Councils.
(2) Liability of President, Vice-President, members and officers for loss, waste or misapplication.

45 (1) Officer or servant of any Municipal Council not to be interested in any contract in such Municipal Council.
(2) Effect of acquiring such interest.
(3) Saving clause.

46 Penalty for Councillor, officer or servant of a Municipal Council being interested in any contract, etc., with that Municipal Council.

47 (1) Notice to sweepers and scavengers before discharge.
(2) Penalty for withdrawal of sweepers and scavengers without notice.
(3) Application of sub-sections (1) and (2) to other Municipal servants.

48 Councillors, etc., to be deemed public servants.

CHAPTER IV.

Rules and By-Laws.

49 Municipal Councils to make rules.
(*a*) Regulating the conduct of business.
(*b*) Fixing the functions of President and the establishment.
(*c*) For general guidance of Municipal servants.

Sections.

(*d*) Fixing the amount of the security to be furnished.
(*e*) Determining mode of appointing, etc., Municipal servants ; delegating powers to appoint, etc.
(*f*) Granting leave to Municipal servants.
(*g*) Contributing to Provident Fund.
(*h*) Prescribing the taxes, etc., to be levied for Municipal purposes.
(*i*) For writing off amounts due and remitting fees.

(*j*) Approval required to rules.

50 Power to suspend, reduce or abolish any existing tax.

51 (1) Power to make by-laws.
(*a*) For markets and slaughter houses, etc.
(*b*) For licensing, regulating and inspecting certain businesses.
(*c*) Regulating the stalling of cattle, etc.
(*d*) For regulating dairies, cattle sheds, milk stores, etc.
(*e*) For inspection of weights and measures.
(*f*) For registration of births, etc.
(*g*) Regulating the disposal of the dead.
(*h*) For enforcing information as to epidemic.
(*i*) For enforcing information as to liability to Municipal taxation.
(*k*) Octroi by-laws.
(*l*) Terminal tax.
(*m*) For protecting water.
(*n*) Regulating public baths, etc.
(*o*) For conservancy.
(*p*) For constructing houses for the poor.
(*q*) For the disposal of carcasses.
(*r*) Regulating structures and buildings.
(*s*) For regulating construction or use of buildings.
(*t*) For providing for streets.
(*u*) For ensuring ventilation.
(*v*) Control of drains.
(*w*) Requiring information and plans in certain cases
(*x*) For controlling unwieldy traffic.
(*y*) Public parks.
(*z*) Requiring qualified surveyors and plumbers.
(*aa*) For licensing factories, the use of steam whistles. etc.
(*ab*) General.
Fine may be imposed for infringement of by-laws.

(2) Publication of drafts of proposed by-laws.
(3) Objections and suggestions to be submitted to Government.

52 Rules and by-laws to be printed and sold.

CHAPTER V.

Municipal Property and Fund.

Sections.

53 (1) Power to acquire and hold property.
(2) Property vested in the Municipal Council.
(3) Power to Government to resume property.

54 Municipal fund.
Provision as to special trusts.

55 Application of Municipal fund and property.

56 (1) Power to deposit and invest surplus funds.
(2) Surplus not so deposited or invested how to be dealt with.

57. Power of Municipal Councils to borrow money.

CHAPTER VI.

Obligatory and Discretionary Functions of Municipal Councils.

58 Duties of Municipal Councils.

59 Special duties.

60 Power of Government to exempt Municipal Council from any of the duties.

61 Discretionary powers of expenditure of Municipal Councils.

62 Arrangements purporting to be binding permanently or for a term of years.

63 Management of public institutions maintained by Municipal Councils to vest in it.

CHAPTER VII.

Municipal Taxation.

(1) *Imposition of taxes.*

64 Taxes which may be imposed.

65 Procedure preliminary to imposing.

66 Power to sanction, modify and impose conditions.

67 Publication of sanctioned rules with notice.

67-A Duty on transfers of immovable properties.

Sections.

67-B Seizure of vehicles not bearing numbers and procedure after seizure.

(2) *Assessment of and liability to rates.*

68 Appointment of assessors.

69 (1) Preparation of an assessment list.
(2) Power to inspect.
(3) Returns to be furnished.

70 (1) Person primarily liable for a rate on buildings or lands or both, how to be designated if his name cannot be ascertained.
(2) Occupier liable for a rate on building or land or both, until he gives information.

71 Publication of notice of assessment list.

72 (1) Public notice of time fixed for revising assessment list.
(2) Revising authority.
(3) Objections how to be made.
(4) Hearing of objections.
(6) Authentication of list.
(7) Custody and inspection of list.
(8) Authenticated list how far conclusive.

73 (1) Amendment of assessment list.
(2) Objections how dealt with.
(3) Effect of amendments.

74 Notice to be given to the Municipal Council of demolition or removal of a building.

75 New Assessment list need not be prepared every year.

76 (1) Tax from whom primarily leviable.
(2) Recovery from occupiers.
(3) Remedy of occupier in such case.

77. Notice to be given to Municipal Council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

78 Form of notice.

79 Name of transferee to be substituted in the Municipal Registers.

80 Liability for payment of taxes on buildings or lands continue in the absence of notice of transfer.

81 (1) Remission of tax in case of vacancies ; when obligatory.
(2) When discretional.
(3) Burden of proof on claimant.
(4) Explanatory clause.

(3) *Power to charge fees.*

Sections.

82 (1) Municipal Council may charge fees for certain licenses.
(2) Levy of fees for unauthorised occupation or projection.
(3) Market and other fees.
(4) Farming of fees.
(5) Power of lessee to expel persons who refuse to pay fees.

(4) *Special provisions relating to certain taxes.*

83 (1) Fixed charges and agreements for payments in lieu of taxes for water supplied.
(2) Power to fix a special rate in lieu of special sanitary cess.
(3) Power to compound tax on vehicles or animals.
(4) Composition of toll.
(5) Recovery of sums claimed under this section.

84 Certain rights not affected by section 83.

85 Power of Government to suspend or prohibit levy of objectionable taxes.

86 Power of Government to require Municipal Council to impose taxes.

(5) *Octroi and tolls.*

87 Octroi by-laws to be submitted with proposals for imposition of octroi.

88 (1) Power to examine articles liable to octroi.
(2) Power to search where octroi is leviable.

89 (1) Presentation of bills for octroi.
(2) Penalty for evasion of octroi.

90 (1) Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.
(2) Seizure of articles on which octroi duties have not been paid and arrest of person in possession of such articles.
(3) Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

91 Tables of tolls to be shown on demand.

92 (1) Power to seize vehicles on non-payment of octroi or toll.
(2) Notice of sale.
(3) Release of property on payment.
(4) Sale.
(5) Surplus how dealt with.

93 Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

94 (1) Farming of tolls.

CHAPTER VIII.

Recovery of Municipal Claims.

Sections

95 (1) Presentation of bill for taxes.
(2) Contents of bill.
(3) If bill not paid within 15 days, notice of demand to issue.

96 (1) In what case warrant may issue.
(2) Warrant by whom to be signed.
(3) To whom the warrant should be addressed.
(4) Power of entry under special order.
(5) Warrant how to be executed.

97 (1) Sale of goods distrained in special cases.
(2) Sale of property distrained ; application of proceeds of sale.
(3) Surplus, if any, how dealt with.

98 Distraint and sale outside the Municipality.

99 Summary proceedings may be taken against persons about to leave the Municipality.

100 Fees and costs chargeable.

101 (1) Appeal to Magistrates.
(2) Revision of decisions on appeal.

102 Liability of lands, buildings, etc., for rates.

103 Receipts to be given for all payments.

CHAPTER IX.

Municipal Powers and Offences.

(1) *Powers in respect of streets.*

104 Power regarding streets, etc.

105 (1) Power to require repair of streets.
(2) And to declare such streets public.
(3) Power to declare any street a public street subject to objections by the owners.

106 Temporary closure of streets.

107 (1) New streets.
(2) Power of Municipal Council to pass orders.
(3) Right to proceed in certain cases.
(4) Penalty.

108 The regular line of public street.

(2) *Powers to regulate buildings, etc.*

109 (1) Setting back projecting buildings.
(2) Acquisition of land which is within the regular line of a street and upon or occupied only by platforms, etc.
(3) Compensation payable by the Municipal Council.

Sections.

110 Setting forward to regular line of street.

111 Buildings at corner of streets.

112 (1) Roofs and external walls of building not to be made of inflammable materials.
(2) Power to require removal of roof and wall if inflammable.
(3) Penalty.

113 Level of buildings.

114 Rat-proof building for warehouse for storing grains.

115 (1) Notice of new buildings.
(2) Power of Municipal Council to pass orders.
(3) Or to suspend the work or to require further particulars.
(4) Right to proceed in certain cases.

116 Power of Government to prohibit the erection of building in certain area without permission.

117 Regulation of huts.

118 Improvement of huts.

(3) *Power connected with drainage, water-works, etc.*

119 Municipal control over drains, etc.

120 Powers for making drains.

121 (1) Sufficient drainage of houses.
(2) New buildings not to be erected without drains.

122 Power of owners and occupiers of buildings or lands to drain into Municipal drains.

123 Sewage and rain water drains to be distinct.

124 (1) Right to carry drains through land or into drain belonging to other persons how and on what conditions to be authorised by Municipal Council.
(2) Written order of Municipal Council authority for execution of necessary work.

125 Work how to be carried out.

126 Rights of owner of land through which the drain is carried, in regard to subsequent building thereon.

127 Provision of privies, etc.

128 Cost of altering, repairing and keeping in proper order privies, etc.

129 Power to close existing private drains.

130 Power in respect of sewage, etc., unauthorisedly constructed, re-built or unstopped.

131 Encroachment on Municipal drains, etc.

Sections.

132 (1) Inspection of drains, etc.
(2) Expense of inspection when to be borne by the Municipal Council.

133 (1) Municipal Council may execute certain work under this sub-chapter without allowing option to persons concerned of executing the same.
(2) Expenses in such cases by whom to be paid.

134 Power of carrying water mains, etc.

(4) *Powers regarding external structures, etc.*

135 Permission necessary for certain projections.
(3) Removal of projection.

136 Troughs and pipes for rain water.

137 Fixing up brackets, etc., to houses.

138 Naming streets and numbering houses.

139 Penalty for defacing buildings, etc.

140 Removal and trimming of hedges, trees, etc.

(5) *Powers for promotion of public health, safety and convenience.*

141 (1) Ruinous or dangerous buildings.
(2) Action to be taken on default by owner or occupier. Proviso if danger is not imminent.

142 (1) Powers and duties with regard to dangerous, stagnant or insanitary sources of water supply.
(2) Remedy on non-compliance with directions issued.

143 (1) Displacing pavements, etc.
(2) Penalty for failure to replace after notice.

144 Obstructions and encroachments upon public fields and open space.

145 Holdings to be set up during repairs, etc.

146 (1) Provision of facilities when work is executed in public streets.
(2) Fencing and lighting during repairs, etc.

147 Timber not to be deposited or coal made in a street without permission.

148 Dangerous quarrying.

149 Provision as to dogs.

(6) *Powers for the prevention of nuisance.*

150 Depositing dirt, etc.

151 Discharging sewage, etc.

Sections.

152 Non-removal of filth, etc.

153 Removal of night-soil.

154 (1) Filthy buildings, etc.
(3) Deserted and offensive buildings.

155 Buildings or rooms in buildings unfit for human habitation.

156 Power to enter and inspect, etc., buildings.

157 Provision of bathing facilities.

158 Fouling water.

159 Abatement of nuisances from wells, etc.

160 Regulation or prohibition of certain kinds of cultivation.

161 Using offensive manure, etc.

162 (1) Tethering cattle, etc.
(2) Keeping swine.

163 Feeding animals on filth.

164 Licensing of goats and pigs.

165 Consumption of smoke.

166 Licenses to be taken for burning bricks.

(7) *Regulation of markets, sale of goods, etc.*

167 Licensing markets, slaughter houses and certain businesses.

168 Opening, closing and letting of markets and slaughter houses.

169 Slaughter houses, etc., beyond Municipal limits.

170 (1) Registry for shops for sale of European drugs.
(2) Certified dispensers.

171 Uncertified person dispensing drugs.

172 (1) Unwholesome articles of food and drink.
(2) Adulterated articles for food or drink.
Protection to persons acting in good faith.
(4) Application for summons to be refused, if not applied for within reasonable time.

173 False weights and measures and instruments for weighing.

(8) *Prevention of dangerous diseases.*

174 Power which may at any time be exercised.
(4) Penalties for disobedience of order passed in exercise of such powers.

Sections.

175. Duties of Municipal Council on threatened or actual outbreak of dangerous diseases.
(5) Penal clauses.

176 Withdrawal and modification of powers and orders.

177 Duties of Municipal Council in respect of disease among horses, dogs, cattle, sheep or goat.

178 (1) Proceedings to abate the overcrowding of the interiors of buildings.
(2) Procedure of Magistrate.

179 (1) Special powers which may be conferred by Government in respect of overcrowded areas notified by Government.

180 Closing places for disposal of the dead.

(9) *Nuisances from certain trades and occupations.*

181 (1) Regulation of certain trades.
(2) Liability to penalty after notice.
(4) Penalty for unlicensed places in a Municipality in which by-laws under section 51 (1) (*b*) (iii) are in force.

182 Factories in crowded localities.

183 Use of siren or whistle for summoning or dismissing workmen..

184 Brothels.

(10) *Service of notices and penalties on non-compliance therewith.*

185 (1) Service of notices, etc., addressed to individuals.
(2) Service of notices, etc., on owners and occupiers of buildings and lands.
(3) Public and general notices how to be published.
(4) Defective form not to invalidate notice or bill.
(5) Execution of act required to be done by any notice.

186 Punishment for disobedience to orders and notices not punishable under any section.

187 (1) Municipal Council in default of owner or occupier may execute work and recover expense.
(*a*) Agreement for construction of drainage and water connections.
(*b*) Improvement expenses.
(2) Power to levy charges on occupier, who may deduct the same from his rent.
(3) Occupiers not to be liable for more than the amount of rent due.

188 Occupier, in default of owner may execute work and deduct expenses from his rent.

Sections.

189 Proceedings, if any occupier opposes the execution of the Act.

(11) *Miscellaneous.*

190 Entry for purposes of the Act.

191 Arbitration in case of compensation, etc.

192 Costs or expenses how determined and recovered.

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

193 (1) Municipal Council may prosecute.
(2) Jurisdiction of Magistrate.

194 Power to compound offences.

195 Limitation for distraint, etc.

196 Distress lawful though defective in form.

197 Damage to property how made good.

198 Alternative procedure by suits.

199 Power of compromise.

200 Assistance for the recovery of rent on land.

201 Limitation of suits, etc.

202 Power of police officers.

CHAPTER XI.

MUNICIPAL ACCOUNTS AND ADMINISTRATIVE REPORTS.

203 Prohibition of expenditure not budgetted for.

204 (1) Presentation of accounts.
(2) Budget Estimates.

205 Revision of budget.

206 Maintenance of accounts and restrictions on expenditure.

207 Audit of accounts.

208 Power of Government Auditor.

209 (1) Duties of Government Auditor.
(2) Municipal Council to remedy defects.

210 Disallowance by Government Auditor and order by Deputy Commissioner.

211 Appeal from order of Deputy Commissioner.

Sections.

212 Recovery of amounts disallowed.
213 Transmission of accounts to Government.
214 Publication of accounts.
215 Annual Administration Report.

CHAPTER XII.

CONTROL.

216 Powers of inspection and supervision.
217 Power to inspect the office of Municipal Council.
218 (1) Deputy Commissioner's power of suspending execution of orders, etc., of Municipal Council.
(2) Deputy Commissioner's order to be reported to Government who may confirm or modify it.
219 Extraordinary powers of Deputy Commissioner in case of emergency.
220 Agency for execution of public works.
221 Special provision in regard to works executed by the Government.
222 Government inquiry into Municipal matters.
223 (1) Power of Government to prevent extravagance in the employment of establishment.
(2) Government may require any Municipal Council to appoint a Health Officer or an Engineer.
224 Power of Government to provide for performance of duties, in default of Municipal Council.
225 Power of Government to direct person in custody of Municipal fund to pay Government dues.
226 (1) Power of Government to dissolve or supersede Municipal Council in case of incompetency, default or abuse of powers.
(2) Consequences of exercise of such power.
(4) Power after enquiry to continue period of supersession.
227 Dispute between a City Municipal Council and one or more other local authorities.
228 Power of Government to make rules and orders.
229 Power of Government to cancel or modify by-law and rules of Municipal Councils.
230 Power of Government and of the Deputy Commissioners over subordinates.
231 Powers of officers acting for, or in default of, Municipal Council and liability of Municipal fund.
232 Restriction on the powers of the Deputy Commissioner.
232-A Power of Government to transfer municipal employees.
232-B Delegation of powers.

CHAPTER XIII.

APPOINTMENT AND POWERS OF CHIEF AND OTHER MUNICIPAL OFFICERS.

Sections

233 Appointment of Chief Officer.

234 Appointment of Health Officer and Engineer.

234-A Power of Government to assume powers of appointment by notification.

234-B Municipal Council to cease exercising powers of appointment in certain cases.

235 Duties of Chief Officer.

236 Powers of Chief Officer.

237 Chief Officer's powers of appointment and punishment.

238 Chief Officer may make explanations at meetings.

CHAPTER XIV.

MUNICIPAL COMMISSIONER, HIS POWERS AND DUTIES.

239 Appointment of Municipal Commissioner.

240 Removal from office.

241 (1) Salary of Municipal Commissioner.
(2) Prohibition of engagement in other business.

242 (1) Leave of absence.
(2) Leave of allowance.
(3) Appointment of substitute.

243 Contribution from Municipal Council towards pensions and leave allowances of Municipal Commissioners.

244 Power of Municipal Council to require returns, reports or production of documents.

245 Powers of Municipal Commissioners and limitations thereon.

246 Municipal Commissioner deemed to be authorised in certain matters although not expressly so authorised.

247 Punishment for persons disobeying lawful directions given by Municipal Commissioner.

248 Powers of Municipal Commissioner to appoint, grant leave, punish and dismiss.

249 Orders not subject to appeal except in certain cases.

250 Delegation of powers of Municipal Commissioner.

251 Power to execute contracts on behalf of Municipal Council.

252 Mode of executing contracts.

253 Tenders to be invited for contracts involving expenditure exceeding Rs. 500.

254 Security when to be taken for performance of contract.

(Chapter I—Preliminary)

MYSORE ACT No. VII OF 1933.

THE MYSORE CITY MUNICIPALITIES ACT, 1933.

(As amended by Acts I and III of 1938, *XXI of* 1939, *VII and XXVI of* 1940, *IX, XI, XXXII, XXXIV and XXXV of* 1943, *XIII and XVI of* 1950, *XXXVI of* 1951 *and* 19 *of* 1954.)

(Received the assent of His Highness the Maharaja on the twenty-eighth day of June 1933.)

An Act to make better provision for the management of Municipal affairs in Cities in [1][State of Mysore except Bellary District.]

WHEREAS it is expedient to make better provision for the management of municipal affairs in city municipalities in [1][State of Mysore except Bellary District], it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title. **1.** (1) This Act may be cited as the Mysore City Municipalities Act, 1933.

Local extent. (2) It extends to the [1][whole of the State of Mysore except Bellary District.]

Commencement. (3) It shall come into force on the first day of August 1933.

Repeal. **2.** On this Act coming into force, the enactments mentioned in schedule A shall be repealed in so far as they relate to city municipalities.

Provided that—

Saving clause. (*a*) the said repeal shall not affect the validity or invalidity of anything already done under any of the said enactments ;

(*b*) all city municipalities constituted, municipal commissioners appointed, municipal councillors appointed or elected, committees established, limits defined, appointments, rules, orders and by-laws made, notifications and notices issued, taxes and rates imposed, contracts entered

1. See the Mysore Adaptation of Laws Order, 1953.

into, and suits and other proceedings instituted, under the said enactments or under any enactments thereby repealed, shall, so far as may be and so far as they relate to city municipalities, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Act; and

(*c*) any enactment in force in Mysore, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Interpretation section.

3. In this Act and in the schedules, unless there be something repugnant in the subject or context,—

[1](1) * * * *

(2) "annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon might reasonably be expected to let from year to year.

(3) "building" shall include any hut, shed, or other enclosure, whether used as a human dwelling or for any other purpose and shall include also walls, verandahs, fixed platforms, plinths, door-steps and the like.

(4) "councillor" shall mean any person legally a member of a municipal council.

(5) "dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic or infectious disease by which the life of man is endangered.

[2][(5-a) 'Election Commissioner' shall mean any Judge having jurisdiction in the municipality appointed to be the Election Commissioner for the said municipality by the Government;

(5-b) 'Government' shall mean the State Government;]

(6) "judge" shall mean District Judge, Judge of a court of small causes, Subordinate Judge, or Munsiff.

(7) "land" shall include land which is built upon or covered with water.

[illegible]

(8) " municipal commissioner " shall mean a person appointed under the provisions of section 239 and shall include a person appointed to act as municipal commissioner under sub-section (3) of section 242.

(9) " municipal council " shall mean a city municipal council.

(10) " municipality " shall mean any local area which is at present a city municipality and any local area which may hereafter be constituted or declared as a city municipality under sections 4 and 5, if such municipality has not ceased to be a city municipality.

(11) " nuisance " shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property.

[1][(11-a) 'occupier' includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent-free tenant ;]

(12) " octroi " shall include a terminal tax.

(13) " official year " shall mean the year commencing on the first day of [2][April.]

(14) " owner " shall include the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account, or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant : Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Act required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same ; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was

1. Inserted by Act XXXVI of 1951.
2. Substituted by Act XXXVI of 1951.

occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required.

(15) "prescribed" means prescribed by any rule made by the Government under this Act.

(16) "public securities" shall mean—

(*a*) securities of the Government of India,

(*b*) securities of the Government of Mysore,

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by a law in force in Mysore, or

(*d*) a security expressly authorised by any order which the Government makes in this behalf.

(17) "public street" shall mean any street—

(*a*) over which the public have a right of way, or

(*b*) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds, or

(*c*) which under the provisions of section 105 is declared by the municipal council to be, or under any other provisions of this Act, becomes a public street.

(18) "salaried servant of the Government" shall not include a retired servant of the Government in receipt of a pension, or a person in receipt of a salary from the Government who is not a full-time servant of the Government.

(19) "street" shall mean any road, footway, square, court, alley or passage accessible whether, permanently or temporarily to the public, whether a thoroughfare or not; and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any person as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not

include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

[1](20) * * *

(21) " tax " shall include any toll, rate, cess, fee or other impost leviable under this Act.

(22) " vehicle " shall include bicycles, tricycles and auto-motor cars, and every wheeled conveyance which is used or capable of being used on a public street.

(23) " whole number " shall mean when used with reference to the councillors of a municipal council the total number of councillors holding office at the time.

CHAPTER II.

Constitution of Municipal Councils.

(1) *Municipalities.*

Delimitation of city municipalities.

4. (1) Subject to the provisions of sections 6 and 7 the Government may, from time to time, by notification in the official Gazette, declare any local area to be a city municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any such municipality or declare that any local area shall, from a date to be specified in the notification, cease to be a city municipality.

Limits to be specified in notification.

(2) Every such notification constituting a new city municipality, or altering the limits of an existing city municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be.

Erection and maintenance of boundary marks

(3) It shall be the duty of the municipal council in every city municipality already existing and of every city municipal council newly constituted under this Act, and of every city municipal council whose local limits are altered as aforesaid, to cause, at its own cost to be erected or set up, if and when so required by the Deputy Commissioner, and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such positions as shall be approved by the Deputy Commissioner, defining the limits or the altered limits of the

1. Clause 20 omitted by Act XXXVI of 1951.

(4) Before any town municipality is constituted into a city municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a city municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

What local areas may be declared to be city municipalities.

6. (1) Any local area which comprises—

(*a*) a city, town or station, or two or more neighbouring cities, towns and stations, with or without any village, suburb, or land adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a city municipality:

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any city, town, station or suburb in a city municipality with any other city, town, station or suburb from which it is separated by an extent of more than [1][two miles] of land unoccupied by houses; or

(ii) to constitute any city municipality in any area of which the population is less than twenty-five thousand.

Naming of municipalities comprising two or more places.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

City municipalities.

7. (1) Not less than two months before the publication of any notification declaring any local area a city municipality, or altering the limits of any such municipality, or declaring that any local area shall cease to be a city municipality, the Government shall cause to be published in the official Gazette, in English and Kannada, and to be posted up in conspicuous spots in the said local area in Kannada, a proclamation announcing that it is

1. Substituted by Act XXXVI of 1951.

municipality subject to its authority, as set forth in the notification.

Property and rights of municipal council which has ceased to exist to vest in Government.

(4) When any local area ceases to be a municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction.

Conversion of town municipalities into city municipalities.

5. (1) The Government may, at any time after consulting the municipal council concerned and considering objections, if any, declare by notification in the official Gazette that any town municipality as defined in the [1] Mysore Town Municipalities Act, 1933, which contains a population of not less than twenty-five thousand inhabitants shall, with effect from a date to be specified in the notification, be deemed to be a city municipality constituted under this Act, and may at any time cancel such declaration.

(2) The provisions of the [1] Mysore Town Municipalities Act, 1933, shall not apply to any municipality declared as a city municipality under sub-section (1) with effect from the date specified in the declaration.

(3) Any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made, issued or imposed under the [1] Mysore Town Municipalities Act, 1933, in respect of a municipality declared as a city municipality, so far as is not inconsistent with the provisions of this Act, and any appointment, notification, order, scheme, rule, by-law or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under the provisions of this Act, or of such other law in respect of the city municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made or issued under this Act, or such other law.

---

1. Repealed and re-enacted as Mysore Town Municipalities Act, 1951.

(4) Before any town municipality is constituted into a city municipality, the procedure prescribed in section 7 shall, as far as may be, be followed.

(5) The property, rights and liabilities of the municipal council of a municipality declared as a city municipality under sub-section (1) shall vest in the municipal council of the municipality with effect from the date specified in the notification.

What local areas may be declared to be city municipalities.

6. (1) Any local area which comprises—

(*a*) a city, town or station, or two or more neighbouring cities, towns and stations, with or without any village, suburb, or land adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs,

may be declared a city municipality:

Provided that, except for exceptional reasons, which shall be clearly set forth in the proclamation under section 7 and in the notification issued under section 4, it shall not be lawful—

(i) to include any city, town, station or suburb in a city municipality with any other city, town, station or suburb from which it is separated by an extent of more than [1][two miles] of land unoccupied by houses; or

(ii) to constitute any city municipality in any area of which the population is less than twenty-five thousand.

Naming of municipalities comprising two or more places.

(2) When two or more places bearing different names are formed into one municipality, the name of the municipality shall be determined by the Government.

City municipalities.

7. (1) Not less than two months before the publication of any notification declaring any local area a city municipality, or altering the limits of any such municipality, or declaring that any local area shall cease to be a city municipality, the Government shall cause to be published in the official Gazette, in English and Kannada, and to be posted up in conspicuous spots in the said local area in Kannada, a proclamation announcing that it is

1. Substituted by Act XXXVI of 1951.

proposed to constitute such local area a city municipality, or to alter the limits of the municipality in a certain manner or to declare that such local area shall cease to be a municipality, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Deputy Commissioner within two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipality any inhabited area, it shall be the duty of the municipal council also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(2) The Deputy Commissioner shall, with all reasonable despatch, forward every objection so submitted to the Government.

(3) No such notification as aforesaid shall be issued by the Government unless the objections, if any, so submitted are, in its opinion, insufficient or invalid.

(2) *Municipal Councils.*

Constitution and incorporation of city municipal councils.

8. In every municipality, there shall be a municipal council, and every such municipal concil shall be a body corporate by the name of " the municipal council of . .," and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

Constitution of municipal councils.

[1][**9.** (1) Every municipal council shall consist of such number of councillors as the Government may, from time to time, by order determine.

(2) Subject to the provisions of sub-section (3) all the councillors of every municipality shall be elected.

(3) Any vacancies due to failure to elect the full number of councillors and any vacancy due to failure to elect a councillor under section 16 or 17, shall, notwithstanding anything contained in this Act, be filled up by appointment by the Government.]

Reservation of seats for scheduled castes.

[2][(1) Seats shall be reserved for the scheduled castes among the number of seats fixed under sub-section (1) of section 9. The number of seats so reserved shall bear as nearly as may be, the same proportion to the

1. Substituted by Act XXXVI of 1951.
2. Sections 10, 10A and 10B substituted by Act XXXVI of 1951.

number of seats fixed under sub-section (1) of section 9 as the population of the scheduled castes bears to the total population of the municipality :

Provided that this sub-section shall cease to have effect after ten years from the commencement of the Mysore City Municipalities (Amendment) Act, 1951 :

Provided further that the preceding proviso shall not affect any representation in a municipal council until the expiry of the term of office of its members.

(2) Nothing contained in this section shall be deemed to prevent members of the scheduled castes for whom seats have been reserved in a municipal council from standing for election to the non-reserved seats in the council.

Territorial divisions for elections.

10-A. (1) For the purposes of election of councillors to fill the seats under sub-section (1) of section 9, the municipality shall be divided into as many territorial divisions as there are councillors to be elected, the boundaries of which shall, after consultation with the municipal council, be fixed by the Government by notification in the official Gazette.

(2) The Government may, after consultation with the municipal council, by notification in the official Gazette alter the boundaries of any such division.

(3) For each of the territorial divisions, only one councillor shall be elected.

Qualification for enrolment in the election roll.

10-B. (1) Every person of either sex who was not less than twenty-one years of age on the first day of April of the year preceding that in which the election roll is published and who is not otherwise disqualified under this Act shall be included in the election roll as qualified to vote at the election for any of the divisions referred to in sub-section (1) of section 10-A.

(2) No person shall be included in such election roll as qualified to vote at such election unless he has resided in such division for one hundred and eighty days in the aggregate in the year preceding that in which the election roll is published :

Provided that a person shall not be deemed to be disqualified under this sub-section if he is employed in the city municipality and non-residence in the division for the period aforesaid is due to his absence on leave out of the State.

Explanation.—For the purpose of this sub-section, no person shall be deemed to reside in more than one division.]

Operation of lists.

11. (1) When in accordance with the rules made under clause (b) of sub-section (2) of section 228, a list of voters has been prepared or revised, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the municipal election roll. The election roll shall come into force from the date of its publication and shall continue in force for a period of [1][four years] or for such less period, if any, as the Government may by order direct in any case, and after the expiration of such period, a new election roll shall be published.

Provided that—

(*a*) in the case of an election held after an election roll has ceased to have force and before the publication of the new election roll, the old election roll shall continue to operate as the election roll;

(*b*) at any time any person whose name is not in the election roll and who claims to have it enrolled may apply to the prescribed authority to enter his name therein and the prescribed authority shall enter in the election roll the name of every such person whose claim is proved to its satisfaction;

(*c*) the prescribed authority shall at any time expunge from the election roll the name of every person proved to its satisfaction to be dead or no longer to possess the qualification of a voter and may likewise correct any clerical error or omission in the election roll after affording the person affected an opportunity of being heard;

(*d*) no change in the election roll shall be made under provisos (*b*) and (*c*) within one month preceding the date fixed for an election.

---

1. Substituted by Act XXXVI of 1951.

(Chapter II—Constitution of Municipal Councils)

(2) At every election of councillors, every person enrolled in the municipal election roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote. Right to vote to depend on entry in roll.

(3) A person shall not be qualified to be elected as a councillor unless he is enrolled in the municipal election roll and a person who is already a councillor shall not be qualified to be a candidate at a by-election held before his term of office as a councillor expires : Enrolment in municipal election roll necessary for elected councillor.

[1] * * * *

(3) *Municipal Councillors.*

12. (1) (A) No person may be a councillor—

(*a*) (i) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or General disqualifications for becoming a councillor.

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(iii) who has been dismissed from municipal, district board or Government service, such dismissal having been notified as debarring him from re-employment, or.

[2][(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or,]

(v) who has been removed from office under section 14 of this Act or section 14 of the [3] Mysore Town Municipalities Act, 1933, or under section 14 of the Mysore Minor Municipalities Act, 1933, or

(*b*) who is an undischarged insolvent, or

(*c*) who is less than twenty-one years of age, or

(*d*) who is a judge ; and

1. Proviso to sub-section (3) of section 11 omitted by Act XXXVI of 1951.
2. Substituted by Act XI of 1943.
3. Repealed and re-enacted as Mysore Town Municipalities Act, 1951.

(B) no person—

(*a*) who is a subordinate officer or servant of a municipal council, or

(*b*) who save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by, or on behalf of a municipal council or,

(*c*) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practioner against a municipal council,

may be a member of such municipal council.

Provided that—

(a) the disqualification in sub-clause (*ii*) of clause (A) (*a*) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(b) the disqualification in sub-clauses (*i*), (*iii*), [1]and (*v*) of clause (A) (*a*) will cease to operate after the expiry of three years from the date of such sentence, dismissal, [1] * * or removal or earlier by an order of the Government ;

(*c*) a person shall not be deemed to have incurred disqualification under clause (B) (b) by reason of his—

(*i*) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(*ii*) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Act, 1904, or in any society registered under the [2]Mysore Co-operative Societies Act, 1918, which shall contract with or be employed by, or on behalf of, the municipal council, or

(*iii*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

1. The brackets and figures "(*iv*)" and the word " withdrawal " omitted by Act XI of 1943.

2. Repealed and re-enacted as Mysore Act LII of 1948.

(*iv*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipal council, or

(*v*) having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding, in any one official year, such amount as the municipal council, with the sanction of the Government, may fix in this behalf, or

(*vi*) having a share or interest in the occasional letting out on hire to the municipal council or in the hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipal council with the sanction of the Government may fix in this behalf; or

(*vii*) being a party to any agreement made with the municipal council under the provisions of section 83 or of proviso (*a*) to sub-section (1) of section 187.

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

[1][Provided further that nothing in this section shall invalidate the election of any person if the disqualification is such as could have been brought to the notice of the Returning Officer at the time of or before the scrutiny of the nomination papers and has not been so brought to his notice.]

Disabilities from continuing to be a councillor.

(2) If any councillor during the term for which he has been elected or appointed—

(*a*) becomes subject to any disqualification specified in sub-section (1), or

(b) votes or takes part as a councillor in the discussion of any matter—

(*i*) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (*i*), (*ii*), (*iii*), (*v*) or (*vii*) of clause (*c*) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

1. Added by Act XXXVI of 1951.

(*ii*) in which he is professionally interested on behalf of a principal or other person, or

(*iii*) in which he is engaged at the time in any proceeding against the municipal council, or

[1](*c*) * * *

[2](*d*) * * *

absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

(*e*) fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor, and his office shall become vacant.

A councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

Power of Government to decide whether vacancy has occurred.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

Resignation.

13. A councillor may resign his membership and a vice-president may resign his office as vice-president by giving notice in writing to that effect to the president and such resignation shall take effect from the date of the notice. The president may resign his membership or his office as president by giving a notice in writing to that effect to the Government. If such resignation is accepted it shall take effect from the date on which the intimation of such acceptance reaches the office of the president.

Liability to removal from office.

14. The Government, if it thinks fit, on the recommendation of the municipal council may remove any councillor elected or appointed under this Act, after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such councillor has been guilty of misconduct in the discharge of his duties, or of any dis-

1. Clause (c) of sub-section (2) of section 12 omitted by Act XXXVI of 1951.
2. Certain words omitted by Act XXXVI of 1951.

graceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

15. Councillors [1][elected at a general election or appointed] under this Act shall, save as provided in the next following section, or unless they become in the meantime disabled or are removed from office under section 14, or section 226, hold office for a term of [1][four years] extensible by order of the Government to a term not exceeding in the aggregate [1][five years] if on any occasion the Government shall think fit, for reasons which shall be notified together with the order in the official Gazette, so to extend the same.

Casual vacancies how to be filled up.

16. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 20, or through the death, resignation, removal or disability of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies occurring by increasing the number of councillors.

17. In the event of a vacancy occurring by increasing the number of councillors in any municipal council under [1][sub-section (1) of section 9] such vacancy shall be filled up, as soon as conveniently may be, by the election or appointment as the case may be, of a person thereto who shall hold office till the next general election or for such period as the Government may in this behalf notify in the official Gazette.

Re-eligibility of councillors.

18. A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Publication of names of councillors and presidents and vice-presidents in the official Gazette.

19. The names of all councillors finally elected to any municipal council as well as the names of the [2] * * councillors, if any, appointed thereto, and the names

1. Substituted by Act XXXVI of 1951.
2. The word "nominated" omitted by Act XXXVI of 1951.

of all elected or appointed presidents and vice-presidents shall be published as soon as conveniently may be, in the official Gazette.

(4) *Municipal Elections.*

Determination of validity of elections; [1][enquiry by the Election Commissioner]; Procedure.

20. (1) At any time within ten days after the date of the [1][publication in the official Gazette under section 19 of the name of the person elected as a councillor] or of a president under clause (a) of sub-section (2) of section 23, any candidate who stood for election or any ten persons qualified to vote at that election may apply, together with a deposit of one hundred rupees as security for costs to the [1][Election Commissioner] within which the election has been or should have been held for the determination of the validity of the election.

(2) [1][The Election Commissioner] may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (3), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purpose of the said enquiry, the said [1][Eelection Commissioner] may summon or enforce the attendance of witnesses and compel them to give evidence as if he were a civil court and he may also direct, by whom the whole or any part of the costs of such enquiry shall be paid. If the costs are to be paid by the candidate whose election is contested, the whole of such costs and if the costs are to be paid by the petitioner or petitioners, such portion if any, of the costs as is in excess of the sum paid at the time of the presentation of the application, shall be recoverable as if it had been awarded in a suit under the Code of Civil Procedure. The Code of Civil Procedure shall, as far as possible, be followed in such enquiries. An appeal shall lie to the High Court from the order of the [1][Election Commissioner] provided it is only on a point of law and is preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy of the order. If the [1][Election Commissioner] sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh election.

1. Substituted by Act XXXVI of 1951.

Declaration in case of corrupt practice by a candidate.

(3) (*a*) The [1][Election Commissioner] if satisfied that a candidate has, within the meaning of sub-section (4) committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Scrutiny of votes and declaration in other cases.

(b) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the [1][Election Commissioner] shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected:

Provided that for the purpose of such computation, no vote shall be reckoned as valid if the [1][Election Commissioner] finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

What is a corrupt practice.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,—

(i) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or,

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate when deemed to have committed corrupt practice.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Promise of individual profit.

Explanation.—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

1. Substituted by Act XXXVI of 1951.

Mere irregularities and informalities not to invalidate election.

(5) If the validity of the election is brought in question only on the ground of an error by the officer or officers charged with carrying out the rules made under clause (b) of sub-section (2) of section 228 or clause (*a*) of sub-section (2) of section 23 or of an irregularity or informality not corruptly caused, the [1][Election Commissioner] shall not set aside the election.

Explanation.—The expression 'error' in this sub-section does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or rules made thereunder whereby the result of election has been materially affected.

Disqualification of candidate for corrupt practice.

(6) If the [1][Election Commissioner] sets aside an election under clause (*a*) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate for the office of a councillor or president or both in that or any other municipality constituted under this Act or the [2]Mysore Town Municipalities Act, 1933, or under the [2]Mysore Minor Municipalities Act, 1933, for a term of years not exceeding seven and the judge's decision shall be conclusive :

Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made. Provided further, that such person may, by an order which the Government is hereby empowered to make, if it shall think fit, in that behalf, be at any time relieved from such disqualification.

Bar of suits relating to elections, etc.

21. No suit shall be entertained by a civil court in respect of any matter relating to the election, appointment, or removal of a councillor, president or vice-president unless such suit is authorised, by the provisions of this Act or any rule made under this Act.

(5) *Municipal Government.*

Municipal Government to vest in the municipal council.

22. (1) Except as in this Act otherwise expressly provided, the municipal government of a municipality vests in the municipal council.

1. Substituted by Act XXXVI of 1951.
2. Repealed and re-enacted as Mysore Town Municipalities Act, 1951.

(2) In a municipality for which there is a municipal commissioner, the executive power for the purpose of carrying out the provisions of this Act vests in the municipal commissioner, subject, wherever it is in this Act expressly so directed, to the approval or sanction of the municipal council and subject also to all other restrictions, limitations and conditions imposed by this Act.

(6) *Presidents and Vice-Presidents.*

Every municipal council to have a president and if the municipal council so desires, a vice-president.

23. (1) For every municipal council, there shall be a president, and if and whenever the municipal council so desires, a vice-president.

President to be appointed or elected.

(2) The president may be—

(*a*) If the Government so directs, elected by persons entitled to vote under sub-section (2) of section 11 subject to the rules prescribed in this behalf, or

(*b*) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(*c*) appointed by the Government by name, or

(*d*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which, the Government from time to time, notifies in this behalf.

Effect of notification of *ex-officio* president.

(3) When an office has been notified under clause (*d*) of sub-section (2), the person from time to time executing the functions of that office shall continue to be president, unless and until such notification is altered or rescinded by the Government.

Vice-president to be elected.

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

(5) [1] * * *If any municipal council fails to elect a president or vice-president within such reasonable time as may be specified in a notice issued by the Government in this behalf, the president or vice-president, as the case may be, may be appointed by the Government.

1. The first sentence omitted by Act XXXVI of 1951.

When Deputy Commissioner may perform functions of president.

(6) During a vacancy in the office of the president of a municipal council and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being, shall notwithstanding anything contained in this Act or in the rules or notifications issued thereunder, perform the functions of the president.

Consequence of absence of president or vice-president without leave.

(7) Except in the case of a salaried servant of the Government who is either an appointed or *ex-officio* president, every president who, for a priod exceeding two months and every vice-president who for a period exceeding one month, shall absent himself from the muuicipality in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted—

(*a*) by the Government in the case of a president appointed by the Government,

(*b*) by the municipal council in other cases.

Limit of grant of leave and arrangements during leave.

(8) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors whether the president was elected under clause (*a*) *or* (*b*) of sub-section (2), within such period and in such manner as may be prescribed. If the council fails to elect the president or if the appointment of the president was under clause (*c*) of sub-section (2), the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by election of some other councillor thereto.

Vacation of office by vice-president on becoming president.

(9) If a vice-president of a municipal council is elected or appointed as president of the council, he shall be deemed to have vacated his office as vice-president.

Vacation of office by president and vice-president for want of confidence.

(10) Every president, other than a salaried servant of the Government appointed *ex-officio* or by name as president and every vice-president of a municipal council shall forthwith be deemed to have vacated his office;

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose ; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other.

Removal of presidents and vice-presidents.

(11) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Explanation.—A person may be presumed to be unable to pay his debts if he is under arrest or imprisonment in execution of the decree of any court for the payment of money.

Term of office of president and vice-president.

(12) The term of office of every president and of every vice-president shall, save as otherwise provided in this Act, cease on the expiry of his term of office as councillor :

Provided that in the case of elected presidents or vice-presidents or both, the Government may, in special cases, with the consent of the municipal council concerned, direct that their term be limited to one year and that elections therefor be held every year.

Vacancies in their office how to be filled up.

(13) In the event of the non-acceptance of office, death, resignation or removal from office of a president or vice-president other than an *ex-officio* president or of his election or appointment being void, or of his becoming incapable of acting in such office or having ceased to be a councillor under sub-section (2) of section 12, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-sections. For all the vacancies which are not otherwise provided for, the

Government may appoint any person to perform all the duties and exercise all the powers of a president or vice-president during such vacancy.

[1][(13-A) In cases not otherwise provided for, if the President of a Municipal Council is, for any reason, unable to perform his duties or exercise his powers as President or is disabled or prevented from performing or exercising such duties or powers, the Government may, for the period during which he is unable or disabled or prevented, authorise the vice-president, or, in his absence or on his neglect or inability, the Municipal Commissioner, to perform all the duties and exercise all the powers of the President under this Act.]

Remuneration of president and vice-president of municipal council.

(14) The president or vice-president of any municipal council who is not a Government officer may receive out of the municipal fund such monthly allowances as such municipal council may sanction from time to time with the approval of the Government. It shall be lawful for any municipal council to pay out of the municipal fund with the sanction of the Government, salary or allowances to any Government officer who is appointed as president.

Functions of presidents.

24. (1) Subject to the provisions of chapter XIII and XIV, it shall be the duty of the president of a municipal council to—

(*a*) preside, unless prevented by reasonable cause, at all meetings of the municipal council, and, subject to the provisions of the rules for the time being in force under clause (*a*) of section 49, to regulate the conduct of business at such meetings ;

(*b*) watch over the financial and executive administration of the municipal council ;

(*c*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under and in accordance with this Act ;

(*d*) subject to the provision of section 38 and of the rules for the time being in force, perform such other executive functions as may be performed by or on behalf of the municipal council over which he presides ;

---

1. Added by Act XXXIV of 1943.

(*e*) exercise supervision and control over the acts and proceedings of all officers and servants of the municipal council in matters of executive administration and in matters concerning the accounts and records of the municipal council; and, subject to the rules for the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*f*) furnish to the Government a copy of every resolution passed at any meeting of the municipal council; and

(*g*) furnish any extract from the minutes of the proceedings of the municipal council or of any committee or other document or thing which the Deputy Commissioner or the officer authorised by the Government in this behalf from time to time calls for under section 216.

(2) In a municipality for which there is neither a chief officer, nor a Municipal Commissioner, the president shall, notwithstanding anything contained in chapters XIII and XIV and independently of such executive functions as are allotted to him by or delegated to him under any other provision of this Act, exercise all the powers that may be exercised by a municipal commissioner in the municipality and the provisions of section 247 shall be applicable to every disobedience or failure to comply with a lawful direction given by the president in exercise of such powers as if he were the municipal commissioner for the municipality.

Channel of communication with Government.

(3) All correspondence between a municipal council and the Government shall be conducted through the president. The president shall without delay transmit all communications addressed through him by the municipal commissioner to the Government or by the Government to the municipal commissioner.

Custody of records.

25. In a municipality for which there is a municipal commissioner, the municipal commissioner, and in every other municipality the president, shall be responsible for the custody of all records of the municipal council including all papers and documents connected with the proceedings of the council, the managing committee and other committees and shall arrange for the performance

of such duties relative to the proceedings of the said bodies as they may respectively impose.

Functions of vice-presidents.

26. (1) It shall be the duty of the vice-president of a municipal council to exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him in accordance with the general or special orders of the Government issued in this behalf.

(2) It shall be the duty of the vice-president—

(*a*) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipal council, and he shall, when so presiding exercise the same authority as is vested in the president under clause (a) of sub-section (1) of section 24; and

(*b*) pending the succession, appointment, or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

(3) When the Deputy Commissioner has been appointed *ex-officio* president of a municipal council, notwithstanding anything contained in section 9 of the Mysore Land Revenue Code, the vice-president shall exercise the powers and perform the duties of the president during the period when the office of the president is vacant.

CHAPTER III.

Conduct of Business.

(1) *Municipal Meetings.*

Provisions in regard to meetings of a municipal council.

27. The following provisions shall be observed with respect to the meetings of a municipal council :—

Ordinary general meetings.

(1) There shall be held an ordinary general meeting in each month for the disposal of general business. It shall be the duty of the president to fix the dates for all ordinary general meetings.

Special general meetings.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the whole number of councillors and for a date not more than fifteen days after the presentation of such request, call a special general meeting. If the president fails to call a special general meeting as provided in this sub-section, the vice-president or one-third of the whole number of councillors may call such meeting for a day not more than thirty days after the presentation of such request.

Notice to be given of meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice or in cases of great urgency, notice of such shorter period as is reasonable of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the councillors, and posted up at the municipal office or some other public building in the municipality. The said notice shall include any motion or proposition which a councillor shall have given written notice, not less than ten days previous to the meeting, of his intention to bring forward thereat, and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting:

Provided that the motion or proposition of which a councillor or councillors shall have given notice shall relate to matters connected with the municipal administration and shall not be inconsistent with the provisions of this Act.

Municipal meetings to be held at municipal office.

(4) Every meeting of a municipal council shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such municipal council.

Meeting how presided over in the absence of both the president and vice-president.

(5) Every meeting shall in the absence of both the president and vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (*a*) of sub-section (1) of section 24.

Meeting must ordinarily be open to the public.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipal council such as should

be held in private, provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

Number of councillors required to form a quorum.

(7) If less than one-third [1][or during such time as Government may by notification in the Official Gazette direct less than one-fifth] of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall, after waiting for not less than fifteen and not more than thirty minutes, adjourn the meeting to such hour on the following or some other future day as he may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting provided that not less than one-fifth of the whole number of councillors or five councillors whichever is greater [1][or during such time as Government may by notification in the Official Gazette direct not less than four councillors] be present. Any subject not disposed of at such an adjourned meeting shall be deemed to have lapsed and may be brought before the next ordinary general meeting, or if necessary or expedient, at a special general meeting.

Business to be transacted at meetings, and order of business how to be settled.

(8) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting, or, in the case of a special general meeting in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings to be kept.

(9) There shall be kept in English, and if the municipal council so resolves in Kannada also, minutes of

1. Inserted by Act XXXIV of 1943.

the names of the councillors and of the Government officers, if any, present under the provisions of sub-section (16), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipality.

All questions must be decided by a majority of votes.

(10) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 49.

Councillor not to vote on questions in which he has pecuniary interest.

(11) No councillor shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of the council if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

Presiding authority to vacate the chair when he has pecuniary interest in any matter under discussion.

(12) If the presiding authority is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on or take part in it. Any other councillor may be chosen or elected to preside at the meeting during the continuance of such discussion.

Adjournments of meetings.

(13) Any general meeting may, with the consent of a majority of the councillors present [1][or during such time as the Government may by notification in Official Gazette direct with the consent of not less than four-fifths of the whole number of councillors present], be adjourned from time to time to a later hour on the same day or to any other day; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

A notice of such adjournment posted in the municipal office shall be deemed sufficient notice of the adjourned meeting.

1. Inserted by Act XXXIV of 1948.

Modification and cancellation of resolutions.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of councillors at a general meeting whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer.

(15) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipal council by a Government Executive Engineer, shall be transacted at any meeting of a municipal council unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Certain Government officers may attend meetings of municipal councils.

(16) (*a*) The Executive Engineer, the principal officer of health in the district and any other officer approved and notified by the Government in this behalf, if not members of a municipal council within the district, shall have the right of being present at any meeting of such municipal council, and, with the consent of the municipal council, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such municipal council :

Provided that the said officers shall not, unless they are members of the municipal council, be entitled to vote upon any such question.

Municipal council may require the presence of certain of the said officers at their meetings.

(*b*) If it shall appear to a municipal council that the presence of the Executive Engineer or the principal officer of health in the district or any other officer approved and notified by the Government in this behalf, is desirable for the purpose aforesaid at any future meeting of such municipal council, it shall be competent to such municipal council, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to

require his presence thereat; and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting:

Provided that such officer on receipt of such letter may, if unable to be present himself instruct a deputy or assistant or other competent subordinate as to his views, and may send him to the meeting as his representative, instead of appearing thereat in person.

Explanation.—The term "Executive Engineer" in sub-sections (15) and (16) of this section includes the principal Engineering officer in or for the district.

Right of municipal commissioner to be present and to speak at municipal meetings.

28. (1) A municipal commissioner shall have the same right of being present at a meeting of the municipal council or the managing or other committee and of taking part in the discussion thereat as a councillor and with the consent of a majority of the councillors present, ascertained by a show of hands without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting.

(2) The municipal commissioner shall attend any meeting of the municipal council or of the managing or other committee if required to do so by the president.

Rights and privileges of individual councillors and president.

29. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such regulations as may be framed by the council.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the municipal commissioner, when there is one, and in other cases to the president, provided that the municipal commissioner or the president may for reasons given in writing forbid such access. The councillor may appeal from the order of the municipal commissioner to the president whose decision shall be final.

(4) In a municipality for which there is a municipal commissioner, the president shall have full access to all the records of the municipal council and the municipal commissioner shall comply without unreasonable delay with any requisition of the president for any information appertaining to the municipal administration.

(2) *Committees.*

Managing Committee.

30. (1) For every municipal council there shall be a committee called the managing committee, consisting of the president and such number of councillors not exceeding eight or less than two as may have been elected for a period not exceeding one year, in accordance with rules under clause (*a*) of section 49.

Powers of managing committee.

(2) The managing committee shall, subject,

(i) to any limitations prescribed by the municipal council specially in this behalf and generally by rules made under clause (*a*) of section 49 ; and

(ii) to the provisions of chapters XIII and XIV,

exercise all the powers of the municipal council :

Provided that no managing committee shall exercise any powers with which any committee appointed under section 31 is vested.

Other Committees.

31. The municipal council may constitute in addition to the managing committee constituted under section 30, any other committee for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them ; or may appoint individual councillors or committees, to enquire into and report or advise on any matters which it may refer to them.

When persons other than councillors may serve on committees.

32. Notwithstanding anything contained in this Act, it shall be lawful for the municipal council from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint as members of any committee under section 31, any persons who are not councillors, but who may in the opinion of such municipal council possess special qualifications for serving on such committees, provided that the

number of persons so appointed on any committee shall not exceed one-half of the total number of the members of such committee.

All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable so far as may be to such persons. Duties, etc., of such persons.

33. A vacancy occurring in a managing committee shall as soon as possible, and a vacancy occurring in any other committee may, be filled up by the election of a member thereto subject to the same provisions as those under which the member whose place is to be filled up was elected. A person elected under this section shall hold office so long only as the person in whose place he is elected would have held it if the vacancy had not occurred. No person shall be ineligible at any time for election as a member of any such committee on the ground that he has previously been a member of that committee. Casual vacancies—Re-eligibility.

34. (1) The president, if a member of any committee, shall be *ex-officio* chairman thereof. When chairman to be *ex-officio*.

(2) The vice-president, if appointed a member of any committee of which the president is not a member, shall be *ex-officio* chairman thereof.

(3) The municipal council may appoint a chairman for every committee of which there is no *ex-officio* chairman. When no *ex-officio* chairman, municipal council may appoint chairman.

(4) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the municipal council, shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting. When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(5) Every committee, of which there is no *ex-officio* chairman or chairman appointed by the municipal council, shall appoint from time to time its own chairman from among its own members. If there is no chairman, *ex-officio* or appointed by the municipal council.

(*Chapter III—Conduct of Business*)

Procedure at meetings.

35. (1) The provisions of sub-sections (4), (9), (10) and (16) of section 27 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a municipal council contained in those provisions, and as if for the words "municipal council" where they occur in the proviso to clause (*a*) of sub-section (16) of section 27, there were substituted the word "committee."

If the chairman of any committee has been absent from the municipality for a period exceeding fifteen days, the president or vice-president may, in his absence, call a meeting thereof:

Provided that notwithstanding anything to the contrary contained in sub-section (9) of section 27, committees may record their proceedings either in English or in Kannada as they may think fit.

Committees shall meet when they think proper.

(2) Committees may meet and adjourn as they think proper, but the chairman of a committee may, whenever he thinks fit, and shall, upon the written request of the president of the municipal council or of not less than two members of the committee, and for a date not more than two days after the presentation of such request call a special meeting of such committee.

Number of members required to form quorum at committee meetings.

(3) No business shall be transacted at any committee meeting unless more than one-third of the members of the committee be present thereat.

Procedure by circular.

36. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of any executive officer of the municipal council, for the observation and votes of the members of the committee.

Propositions when to be sent to Government officers for remarks.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of section 27, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (*b*) of sub-section (16) of section 27, desires to record.

(*Chapter III—Conduct of Business*)

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeing is convened to consider the said proposition. Decisions how to be taken on propositions circulated

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book. and how to be recorded.

37. (1) Every committee shall conform to any instructions that may from time to time be given to it by the municipal council ; the municipal council may, at any time, call for any extract from any proceedings of any committee, and for any return, statement or account or report concerning or connected with any matter with which any committee has been authorised or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon. Subordination of committee to instructions of municipal council and compliance with requisitions of municipal council.

(2) Every order passed by a committee appointed under section 30 or 31 shall be subject to revision by, and open to appeal to, the municipal council in accordance with rules that may be framed by the municipal council in this behalf. Orders subject to revision and appeal.

(3) *Delegation of Powers to individuals.*

38. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the municipal council may be delegated, in accordance with rules to be made by the municipal council in this behalf, to the president or to the vice-president, or to the chairman of any committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a chief officer under Chapter XIII or on any committee by or under section 30 or 31 ; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein : Powers, duties and functions may be delegated to officers whose expenses may be paid.

Provided that in a municipality for which there is a municipal commissioner the powers or duties or executive functions under this Act or under any rule or bye-law made hereunder conferred or imposed upon or vested in the municipal commissioner shall not be delegated save as provided in section 250.

(*Chapter III—Conduct of Business*)

(4) *Validity of Proceedings.*

Acts and proceedings of municipal council and committees not vitiated by disqualifications, etc., of members thereof.

39. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the municipal council or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

No resolution of a municipal council or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any councillor or member, provided that the proceedings of the municipal council or committee were not prejudicially affected by such irregularity.

Proceedings of meetings to be good and valid, until the contrary is proved.

(2) Until the contrary is proved every meeting of the municipal council or of a committee appointed under this Act, in respect of the proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Vacancy not to affect municipal council's proceedings.

(3) During any vacancy in a municipal council or committee, the continuing councillors or members may act as if no vacancy had occurred.

(5) *Joint Transactions with other Bodies.*

Joint committees of two or more municipal councils.

40. A municipal council may from time to time join with any other municipal council constituted under this Act or under the [1] Mysore Town Municipalities Act, 1933, or the [1]Mysore Minor Municipalities Act, 1933, or with any district board, or with more than one such municipal council or board

(i) in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee;

1. Repealed and re-enacted as Mysore Town Municipalities Act, 1951.

(ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies ; and

(iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the Government or of such officer as it appoints in this behalf, shall be final.

(6) *Contracts.*

Competency of municipal council to lease, sell and contract.

41. (1) Every municipal council shall be competent, subject to the restrictions contained in sub-section (2), to lease, sell or otherwise transfer any moveable or immoveable property which may, for the purposes of this Act, have become vested in or been acquired by it and, so far as is not inconsistent with the provisions and purpose of this Act, to enter into and perform all such contracts as it may consider necessary or expedient in order to carry into effect the said provisions and purposes. .

Subject in certain cases to sanction of Government.

(2) In the case of every free grant of immoveable property whatever may be its value and of every lease for a term exceeding seven years, and of every sale or other transfer of immoveable property exceeding two thousand rupees in value the previous sanction of the Government is required.

Sanction by resolution at general meeting requisite to validity of certain contracts.

(3) In the case—

(*a*) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immoveable property,

(*b*) of every contract which will involve expenditure not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the municipal council by a resolution passed at a general meeting is required.

Sanction of municipal council when requisite in other cases.

(4) In the case of a contract for the purchase of moveable property, or for the sale of any moveable property belonging to a municipal council, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts exceeds two thousand rupees, the sanction of the municipal council is required

When tenders should be invited.

(5) Before any contract for the supply of materials or goods or for the execution of any work which will involve an expenditure exceeding five hundred rupees is entered into, tenders shall be publicly invited in such manner as may, from time to time, be determined by the municipal council from persons willing to enter into such contract and, when the estimated value exceeds fifteen thousand rupees, no such contract shall be entered into without the previous approval of the Government or of an officer duly authorised by the Government in this behalf.

Sanction by committees and individuals empowered.

(6) In the case of every contract not otherwise provided for in the preceding sub-sections of this section, the sanction of such committee or of such individual as under the provisions of this Act or of the rules for the time being in force thereunder, is empowered in this behalf, is required.

Mode of executing contracts.

(7) Every contract entered into by or on behalf of a municipal council, other than a contract to which sub-section (6) applies, shall be in writing and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the municipal council. Every contract to which sub-section (6) applies shall be executed by the chairman of such committee or by such other individual, as is empowered in that behalf, in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Invalidity of contracts unless requirements of section are fulfilled.

(8) No contract shall be binding on a municipal council unless the requirements of this section shall have been complied with.

(9) The provisions of this section shall be subject to the provisions of section 57 and chapters XIII and XIV.

(*Chapter III—Conduct of Business*)

Contracts by officers appointed by Government to execute municipal works and payment for such works.

42. Notwithstanding anything contained in the last preceding section, any person appointed by the Government to carry any work into execution on behalf of a municipal council may, subject to such control as the Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

(7) *Compulsory Acquisition of Land.*

Acquisition of land.

43. When any land, whether within or without the limits of the municipality, is required for the purposes of this Act, the Government may, at the request of the municipal council, proceed to acquire it under the provisions of the Land Acquisition Act, 1894, and on payment by the municipal council of the compensation awarded under that Act and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the municipal council.

(8) *Liabilities of Councillors, Officers and Servants.*

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

44. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president, members and officers for loss, waste or misapplication.

(2) Every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the municipal commissioner, the chief officer, or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Act, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or has been caused or facilitated by his misconduct.

Officer or servant of any municipal council not to be interested in any contract with such municipal council.

45. (1) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, a municipal council, or in any employment with, under, by, or on behalf of, a municipal council, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such municipal council.

Effect of acquiring such interest.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

Saving clause.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by, or on behalf of, a municipal council as, under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without his being thereby disqualified for being a councillor.

Penalty for councillor, officer or servant of a municipal council being intrested in any contract, etc., with that municipal council.

46. (*a*) Any councillor who knowingly acquires directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of, a municipal council of which he is a member, not being a share or interest such as, under section 12, it is permissible for a person to have, without being thereby disqualified for being a councillor, and,

(*b*) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract, or except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by, or on behalf of, a municipal council of which he is an officer or servant, not being a share or interest such as under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*c*) of the proviso to sub-section (1) of section 12, it is permissible for a person to have without being thereby disqualified for being a councillor,

shall be liable, on conviction before a criminal court, to a fine which may extend to five hundred rupees.

Notice to sweepers and scavengers before discharge.

47. (1) In the absence of a written contract to the contrary, every sweeper or scavenger employed by the municipal council shall be entitled to one month's notice

before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of sweepers and scavengers without notice.

(2) Should any sweeper or scavenger employed by the municipal council, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the municipal council, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

(3) The Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers or scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

Councillors, etc., to be deemed public servants.

48. (1) Every municipal councillor, officer or servant, every auditor appointed under section 207 and every lessee of the levy of any municipal tax and every servant or other person employed by any such lessee, and every auditor shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(2) The word "Government" in the definition of "legal remuneration" in section 161 of that Code shall, for the purposes of sub-section (1) of this section, be deemed to include a municipal council.

CHAPTER IV.

Rules and By-laws.

Municipal councils to make rules.

49. Every municipal council shall make rules not inconsistent with this Act or with the rules made by the Government under section 228 and may from time to time alter or rescind them—

Regulating the conduct of business.

(*a*) regulating the conduct of its business and the delegation of any of its powers or duties and the appointment and constitution of committees;

Fixing the functions of the president and the establishment.

(*b*) (i) determining the executive functions to be performed by the president, vice-president, the chairman of any committee, the chief officer or the municipal commissioner and the delegation of any of its powers or duties to such persons;

(ii) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees, and absentee or other allowances of such officers and servants and the powers and duties delegated to them under section 38;

For general guidance of municipal servants.

(*c*) generally for the guidance of its officers and servants in all matters relating to the municipal administration;

Fixing the amount of the security to be furnished.

(*d*) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security;

Determining mode of appointing, etc., municipal servants; delegating power to appoint, etc.

(*e*) determining the mode and conditions of appointing, punishing or dismissing any officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any officer or servant;

Granting leave to municipal servants.

(*f*) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave;

Contributing to provident funds.

(*g*) authorising the payment of contributions at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal council or with the approval of the municipal council by the said officers and servants;

Prescribing the taxes, etc., to be levied for municipal purposes.

(*h*) prescribing, subject to the provisions of chapter VII, the taxes to be levied in the municipality for municipal purposes, the circumstances in which exemption will be allowed, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes and the limits of the charges or payments to be fixed in lieu of any tax under section 83, and the fees to be charged for licenses or permissions granted under section 82, and the times at which and the mode in which

the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the execution of warrants of distress, and the rates to be charged for maintaining any live-stock distrained, and designating the persons authorised to receive payment of any sums so leviable and the manner in which auctions of moveable property under section 97 shall be held;

For writing off amounts due and remitting fees.

(*i*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax or on any other account may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted.

Provided that—

Approval required to rules.

(i) no rule made or any alteration or rescission of a rule made by a municipal council under this section shall have effect unless and until it has been approved by the Government,

(ii) that no municipal council shall, except with the assent of the Government dispense with the services of any officer transferred from the service of the Government to the service of the municipal council or employed partly by the Government and partly by the municipal council or finally dismiss from the service of the municipal council any officer transferred from the service of the municipal council to the service of the Government.

Power to suspend, reduce or abolish any existing tax.

50. (1) Subject to the requirements of proviso (i) to section 49, every municipal council may, except as otherwise provided in clause (*b*) of the proviso to section 86, at any time for any sufficient reason suspend, modify or abolish any existing tax by suspending, altering or rescinding, any rule prescribing such tax.

(2) The provisions of chapter VII relating to the imposition of taxes shall apply so far as may be to the suspension, modification or abolition of any tax and to the suspension, alteration or rescission of any rule prescribing a tax.

Power to make by-laws.

51. (1) Every municipal council may from time to time, with the previous sanction of the Government make, alter or rescind by-laws, not inconsistent with this Act—

For markets and slaughter houses, etc.

(*a*) for the regulation and inspection of markets, all public places used for the sale of articles and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein ; for regulating the sale of fruit and vegetables in the municipal markets or other specified places ; and for fixing the rents and other charges to be levied for the use of any of them which belong to the municipal council ;

For licensing, regulating and inspecting certain businesses.

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the municipal council—

(i) as a slaughter-house ;

(ii) as a market or shop for the sale of animals intended for human food, or of meat or of fish, or as a market for the sale of fruit or vegetables ;

(iii) for any of the purposes mentioned in section 181 ;

(iv) as a dairy, hotel, restaurant, eating-house, coffee-house, sweetmeat-shop, bakery, boarding house, or lodging house (other than a students' hostel under public or recognised control) or for manufacturing ice or ærated waters ;

(v) as a place for the preparation or manufacture of oil ;

(vi) for parching grain or bengalgram on a large scale ; or

(vii) for any other purpose for which the taking out of a license is or may be prescribed ;

and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom ;

Regulating the stalling of cattle, etc.

(*c*) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-

laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health ;

For regulating dairies and cattle-sheds.

(*d*) (i) for the inspection of milch-cattle, and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers ;

Milk stores, etc.

(ii) for securing the cleanliness of milk stores, milk shops and vessels used by milk-sellers or buttermen for milk or butter ;

For inspection of weights and measures.

(*e*) for the inspection of instruments for weighing and weights and measures under section 173 ;

For registration of births, etc.

(*f*) for the registration of births, deaths and marriages, and the taking of a census within the municipality and for enforcing the supply of such information as may be necessary to make such registration or census effective ;

Regulating the disposal of the dead.

(*g*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead ;

For enforcing information as to epidemics.

(*h*) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 174, 175 and 177 ;

For enforcing information as to liability to municipal taxation.

(*i*) for enforcing the supply of such information by inhabitants of the municipality as may be necessary to ascertain their respective liabilities to any tax imposed therein ;

(*j*) for the numbering and registration of any vehicle liable to taxation under this Act ;

Octroi by-laws.

(*k*) fixing octroi limits and stations ; providing for the exhibition of tables of octroi requiring a license to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such license may be granted, refused, suspended or withdrawn ;

regulating, subject to any general or special orders which the Government may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made;

Terminal Tax.

(*l*) fixing terminal tax limits and stations, providing for the exhibition of tables of terminal tax, and regulating the mode of recovery of such tax;

For protecting water.

(*m*) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water whether within or without the limits of the municipality; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water and the construction, maintenance and control of municipal water-works and of pipes and fittings in connection therewith, whether the property of the municipal council or not;

Explanation.—Sources and means of water-supply shall include private wells which are used by the public.

Regulating public baths, etc.

(*n*) regulating the use of public bathing and washing places within municipal limits;

For conservancy.

(*o*) regulating sanitation and conservancy;

For constructing houses for the poor.

(*p*) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (*c*) of section 61;

For the disposal of carcasses.

(*q*) regulating the disposal of carcasses of dead animals;

Regulating structures and buildings.

(*r*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of, temporary structures on public streets or for projections over public streets, and regulating the structure and dimensions of plinths, walls, foundations, floors,

roofs and chimneys of new buildings, for the purpose of securing stability and the prevention of fires, and for purposes of health ;

(*s*) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose ; For regulating construction or use of buildings.

(*t*) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets ; For providing for streets.

(*u*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air ; For ensuring ventilation.

(*v*) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, watercloset, privies, latrines, urinals and drainage or sewerage works of every description, whether the property of the municipal council or not ; Control of drains.

(*w*) determining the information and plans to be required by the municipal council under sections 107 and 115 ; Requiring information and plans in certain cases.

(*x*) prohibiting vehicular traffic in any particular street, so as to prevent danger, obstruction or inconvenience to the public, by fixing up posts at both ends of such street or portion of such street ; prohibiting the transit of any vehicles of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians, along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions as may be prescribed, either generally in such by-laws, or in special licenses to be granted in each For controlling unwieldy traffic.

case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws :

Provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipal council in conspicuous places at or near both ends of such street or portion of a street ;

Public parks.

(*y*) securing the protection of public parks, gardens and open spaces, vested in or under the control of the municipal council, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them ;

Requiring qualified surveyors and plumbers.

(*z*) prescribing the qualifications of surveyors or persons by whom plans required under section 115 are to be prepared, or of plumbers ; for licensing persons to be surveyors or plumbers, and fixing the fees chargeable for such licenses ; and for modifying the provisions of, or revoking such licenses ; and prohibiting any alterations or repairs or fittings to water or drainage pipes or house-connections being carried out or made, except by such persons ;

For licensing factories, the use of steam whistles, etc.

(*aa*) prescribing the conditions on or subject to which and the circumstances in which, and the areas or localities in respect of which, licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory as defined in the Mysore Factories Act, 1914, or for the use of whistles and trumpets, operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed ;

General.

(*ab*) generally for the regulation of all matters relating to municipal administration.

Fine may be imposed for infringement of by-laws.

And every municipal council may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law.

Publication of drafts of proposed by-laws.

(2) Every municipal council shall, before making any by-law under this section, publish in such manner as shall in its opinion be sufficient, for the information of

the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be submitted to Government.

(3) When any by-law made by a municipal council is submitted to the Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said by-law.

Rules and by-laws to be printed and sold.

52. The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Act in English as well as in Kannada shall be kept on sale at cost price.

CHAPTER V.

Municipal Property and Fund.

Power to acquire and hold property.

53. (1) Every municipal council may acquire and hold property both movable and immovable, whether within or without the limits of the municipality.

Property vested in the municipal council.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of what nature or kind soever, not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Act; that is to say—

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines,

works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cesspools or elsewhere;

(*d*) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(*e*) all lands and buildings transferred to it by the Government, or by gift or otherwise, for local public purposes;

(*f*) all public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Power to Government to resume property.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine.

Municipal fund.

54. All money received by or on behalf of the municipal council by virtue of this or any other Act; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by it under this Act; all proceeds of land or other property sold by the municipal councils, and all rents accruing from its land or property; as also all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in the last preceding section:

Provision as to special trusts.

Provided that nothing in this section, or in the last preceding section, shall in any way affect any obligations accepted by or imposed upon any municipal council by any declarations of trust executed by or on behalf of such municipal council, or by any scheme settled by order of the Government for the administration of any trust.

(Chapter VI—Obligatory and Discretional Functions of Municipal Councils)

Application of municipal fund and property.

55. The municipal fund and all property held by or vested in the municipal council under this Act shall be applied, subject to the provisions of this Act for the purposes specified in sections 58, 59 and 61 and for all other purposes for which by or under this Act or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interest.

Power to deposit and invest surplus funds.

56. (1) It shall be lawful for the municipal council to deposit at interest with the Government savings bank, or with the sanction of the Government in any other bank in or outside of Mysore, any surplus funds in its hands which may not be required for current charges, and with the like sanction to invest such funds in public securities in the name of the municipal council, and from time to time dispose of such securities as may be necessary.

Surplus not so deposited or invested how to be dealt with.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1), be deposited in the local Government treasury, or such other place of security as may be sanctioned by the Government.

Power of municipal councils to borrow money.

57. A municipal council may, in pursuance of a resolution passed at a special general meeting and with the previous sanction of the Government and subject to such conditions as may be prescribed by the Government as to security, the rate of interest and the repayment of principal and interest, borrow either from the Government or from any person, any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provisions of this Act.

CHAPTER VI.

Obligatory and Discretional Functions of Municipal Councils.

Duties of municipal councils.

58. It shall be the duty of every municipal council to make reasonable provision for the following matters within the municipality under its authority, namely :—

(*a*) lighting public streets, places and buildings;

(*b*) watering public streets and places ;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or not ; removing noxious vegetation ; and abating all public nuisances ;

[1][(*ca*) disposing of, and, if so required by the State Government, preparation of compost manure from night-soil and rubbish.

Explanation.—In this clause, rubbish includes dust, ashes, broken bricks, mortar, sewage, dung, dirt, putrid and putrifying substances and refuse of any kind.]

(*d*) extinguishing fires, and protecting life and property when fires occur ;

(*e*) regulating or abating offensive or dangerous trades or practices ;

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the municipal council or belong to the Government ;

(*g*) securing or removing dangerous buildings or places, and reclaiming unhealthy localities ;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead ;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like ;

(*j*) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost ;

(*k*) naming streets and numbering houses ;

---

1. Inserted by Act XIII of 1950.

(*l*) registering births and deaths ;

(*m*) public vaccination ;

(*n*) suitable accommodation for any calves, cows, or buffaloes required within the municipality for the supply of animal lymph ;

(*o*) establishing and maintaining public hospitals and dispensaries, and providing public medical relief ;

(*p*) arranging for the destruction or the detention and preservation of such dogs within the municipality as may be dealt with under the law in force relating to police or under section 149 of this Act ;

(*q*) providing facilities for anti-rabic treatment and meeting the expenses of indigent persons undergoing anti-rabic treatment within or outside the municipal limits ;

(*r*) housing and maintaining destitute orphans and destitute cripples ;

(*s*) printing such annual reports on the municipal administration of the municipality as the Government by general or special orders requires the municipal council to submit ;

(*t*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the municipal council for the purposes of this Act or for the protection of any municipal property, and providing such accommodation as may be required by the Government under the law in force relating to police.

Special duties.

59. Subject to such reasonable provision as is mentioned in section 58, every municipal council shall make reasonable provision for the following special matters, namely :—

(*a*) providing special medical aid and accommodation for the sick in time of dangerous disease ; and taking such measures as may be required to prevent the outbreak, or suppress and prevent the recurrence, of the disease ;

(*b*) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipality.

(Chapter VI—Obligatory and Discretional Functions of Municipal Councils)

Power of Government to exempt municipal council from any of the duties.

60. Notwithstanding anything contained in sections 58 and 59, the Government may exempt any municipal council from any of the provisions of those sections or may declare that in regard to any municipal council any of the duties specified in the aforesaid sections shall be deemed to be discretionary duties within the meaning of section 61.

Discretionary powers of expenditure of municipal council.

61. Municipal councils may, at their discretion, provide out of the said property and fund, either wholly or partly, for

(*a*) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such streets;

(*b*) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, rest-houses and other public buildings;

(*c*) constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith;

(*d*) on such terms and conditions as the Government approves, the promotion, formation, extension or assistance of—

(1) a co-operative society for the benefit of municipal employees; or

(2) any provident fund or benefit society whose objects include the erection, improvement, maintenance or management of suitable accommodation for the poorer and working classes

by any or all of the following means:—

(*i*) the acquisition of land with a view to selling or leasing the same to such society; or

(*ii*) the making of grants or loans thereto; or

(*iii*) subscription for any share capital therein; or

(*iv*) guaranteeing the payment of interest on money borrowed by such society or of any share capital issued thereby;

(*e*) providing accommodation for any class of servants employed by the municipal council or granting loans to such servants for construction of houses subject to the rules prescribed in this behalf;

(*f*) granting loans to encourage local arts and industries;

(*g*) planting and maintaining roadside and other trees;

(*h*) taking a census; and granting rewards for information which may tend to secure the correct registration of vital statistics;

(*i*) making a survey;

(*j*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 181;

(*k*) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipal council;

(*l*) establishing and maintaining a farm or factory for the disposal of sewage;

(*m*) providing music for the people;

(*n*) the establishment and maintenance of dairy farms;

(*o*) with the sanction of the Government, the construction, purchase, organisation, maintenance or management of—

(i) light railways and tramways, or

(ii) motor or other transport facilities for the carriage of the public,

or guaranteeing the payment from the municipal fund of such sums as the municipal council shall think fit as interest on capital expended by the Government or a company for the aforesaid purposes;

or granting loans for providing capital for any of the said purposes;

(*p*) the maintenance of an ambulance service;

(*q*) the promotion of public health or infant welfare ;

(*r*) contribution towards any public fund raised for the relief of human suffering within or without the municipality ;

(*s*) by a resolution passed at a general meeting and supported by one-half of the whole number of councillors, and with the previous sanction of the Government, any public reception, ceremony, entertainment or exhibition within the municipality ;

(*t*) the organisation or maintenance during scarcity of shops or stalls for the sale of necessaries of life ; and

(*u*) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or the advancement of the economic condition of the inhabitants or which is necessary for the carrying out of this Act, expenditure whereon is resolved by the municipal council by the votes of not less than one-half of the whole number of councillors and with the approval of the Government to be an appropriate charge on the municipal fund.

Arrangements purporting to be binding permanently or for a term of years.

62. When a municipal council has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the municipal council or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

Management of public institutions maintained by municipal councils to vest in it.

3. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipal council by which it is maintained.

CHAPTER VII.

MUNICIPAL TAXATION.

(1) *Imposition of Taxes.*

64. Any municipal council—

Taxes which may be imposed.

(*a*) after observing the preliminary procedure required by section 65, and

(*b*) with the sanction of the Government, and subject to such modifications or conditions as under section 66 the Government in according such sanction deems fit, may impose, for the purposes of this Act, any one or more of the following taxes at rates not exceeding those prescribed in schedules I to VI [1][except the levy under clause (xiii) which shall be levied in accordance with the provisions of section 67-A],

(i) a rate on buildings or lands or both situated within the municipality;

(ii) a tax on all or any vehicles, boats or animals used for riding, draught or burden, kept within the said municipality for use;

(iii) a toll on vehicles entering the said municipality, but not liable to taxation under the clause last preceding;

(iv) an octroi on animals or goods, or both brought within the octroi limits for consumption or use therein;

(v) a terminal tax on goods imported or exported from the terminal tax limits:

provided that a terminal tax and an octroi shall not be in force in any municipality at the same time;

(vi) a tax on dogs kept within the said municipality;

(vii) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required;

---

1. Added by Act XXXII of 1943.

(viii) a general sanitary cess for the construction or maintenance, or both construction and maintenance, of public latrines, and for the removal and disposal of refuse ;

(ix) a water-rate or water rates for water supplied by the municipal council, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of cases or of any individual case ;

(x) a lighting tax ;

(xi) a tax on arts, professions, trades and callings, and on offices and appointments ;

(xii) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable by the person or persons engaged in the business or profession :

provided that where the municipal council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (xi) in respect of the business or professions carried on in the shop or place ;

[1](xiii) a duty on certain transfers of immovable property in the shape of an additional stamp duty ;

[2](xiv) any other tax to the nature and object of which the approval of the Government shall have been obtained prior to the selection contemplated in clause (*a*) of section 65.

Provided that—

(*a*) no tax imposed as aforesaid other than a special sanitary cess or water-rate shall, without the express consent of the Government, be leviable in respect of—

(i) any building or part of any building belonging to the Government and used solely for public purposes and not used or intended to be used for residential purposes or for purposes of profit ;

---

1. Inserted by Act XXXII of 1943.
2. Renumbered as clause (xiv) by Act XXXII of 1943.

(ii) any vehicle, animal or other property belonging to the Government and used solely for public purposes and not used or intended to be used for purpose of profit;

(iii) any building or part of a building used as a place of public worship or used for a charitable purpose;

[1][(*b*) no tax of any kind imposed as aforesaid shall be leviable in respect of the Palace in Mysore City;]

(*c*) no toll shall be leviable in respect of any vehicle used for the passage of troops [2] x x x x x or of Government stores or of any other Government property or for the passage of military or police officers on duty or the passage or conveyance of any person or property in their custody;

(*d*) the Government may by order grant and define other exemptions in exceptional cases from payment of tolls or other taxes imposed under this Act;

(*e*) no tax shall be leviable in respect of horses, being registered chargers of the officers of the Mysore State Troops or of the British Indian Army, or in respect of one bicycle and one horse kept by the members of the Mysore police force or the police force of the Civil and Military Station, Bangalore, for the performance of their official duties;

(*f*) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds, unless and until the municipal council has

(i) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

(ii) issued either severally to the persons to be charged, or generally to the inhabitants of the municipality or part of the municipality to be charged with such cess one month's notice of the intention of the municipal council to perform such cleansing and to levy such cess;

---

1. Substituted by Act 19 of 1954.
2. Certain words omitted by Act 19 of 1954.

(*g*) the municipal council, in lieu of imposing separately any two or more of the taxes described in clauses (i), (viii), (ix) and (x), may impose a consolidated tax, assessed as a rate on buildings or lands, or both, situated within the municipality.

Procedure preliminary to imposing.

65. A municipal council before imposing a tax shall observe the following preliminary procedure:—

(*a*) it shall, by resolution passed at a general meeting, select for the purpose one or other of the taxes specified in section 64 and prepare rules for the purposes of clause (*h*) of section 49, prescribing the tax selected, and in such resolution and in such rules specify—

(i) the classes of persons or of property or of both which the municipal council proposes to make liable, and any exemptions which it proposes to make;

(ii) the amount or rate at which the municipal council proposes to assess each such class;

(iii) in the case of a rate on buildings or lands or both, the basis, for each class, of the valuation on which such rate is to be imposed;

(iv) all other matters which the Government may require to be specified therein.

(*b*) When such resolution has been passed, the municipal council shall publish the rules so prepared with a notice in the form of schedule VII prefixed thereto.

(*c*) Any inhabitant of the municipality objecting to the imposition of the said tax or to the amount or rate proposed, or to the classes of persons or property to be made liable thereto or to any exemptions proposed may, within one month from the publication of the said notice, send his objection in writing to the municipal council; the municipal council shall take all such objections into consideration, or shall authorise a committee to consider the same and report thereon; and unless it decides to abandon the proposed tax, shall submit such objections with its opinion thereon and any modifications proposed

in accordance therewith, together with the notice and rules aforesaid to the Government.

Power to sanction, modify and impose conditions.

66. The Government may either refuse to sanction the rules submitted, or may return them to the municipal council for further consideration, or if no objection, or no objection which is in its opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject

(i) to such modifications not involving an increase of the amount to be imposed or,

(ii) to such conditions as to the application within the municipality to any purpose or purposes of this Act specified in such conditions, of the whole or any part of the proceeds of such tax, as it deems fit.

Publication of sanctioned rules with notice

67. All rules sanctioned under section 66 with all modifications subject to which the sanction is given, shall be published by the municipal council in the municipality for which they are prescribed, together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the municipal council in accordance with all conditions, if any, subject to which under section 66 the sanction was given :

Provided that—

(*a*) a tax leviable by the year,

(i) shall not come into force except on one of the following dates, *viz.*, the first day of July—the first day of October—the first day of January—the first day of April—in the official year in which such notice is published, and

(ii) if it comes into force on any day other than the first of July it shall be leviable by the quarter till the first day of July then next ensuing,

(*b*) on or before the day on which a notice is issued under this section, the municipal council shall publish such further detailed rules as may be required, and as may have been approved by the Government under proviso (i) to section 49, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof, shall be payable,

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

Duty on transfers of immovable properties.

[1][67-A. (1) The duty on transfers of immovable property shall be levied in the form of a surcharge on the duty imposed by the Mysore Stamp Act, 1900, on instruments of sale, gift and mortgage of immovable property situated within the limits of the Municipality at a rate not exceeding one per centum on, as the case may be, the amount of the consideration, the value of the property or the amount secured by the mortgage, as set forth in the instrument:

Provided that no such duty is leviable in respect of mortgages where the amount secured by a mortgage does not exceed Rs. 2,500.

(2) On the introduction of the transfer duty—

(*a*) section 27 of the Mysore Stamp Act, 1900, shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the Municipality.

(*b*) section 64 of the same Act shall be read as if it referred to the Municipal Council as well as the Government.

1. Inserted by Act XXXII of 1943.

(3) The Government may make rules for regulating the collection of the duty, the payment thereof to the municipal council and the deduction of any expenses incurred by the Government in the collection thereof.

(4) No duty shall be chargeable in respect of any instrument executed by or on behalf of or in favour of the Government in cases where but for this exemption the Government would be liable to pay the transfer duty under this section in respect of such instrument.]

Seizure of vehicles not bearing numbers, and procedure after seizure.

[1][**67-B.** (1) If any direction for the numbering and registration of a vehicle contained in a bye-law made under clause (*j*) of sub-section (1) of section 51 is not observed in respect of any vehicle, then any authority empowered in this behalf by the municipal council may, at any time, seize and detain the vehicle or the animal, if any, by which it is drawn or both :

Provided that no vehicle other than a bicycle, tricycle or rikshaw shall be seized and detained when actually employed in the conveyance of any passenger or goods.

(2) If a vehicle or animal is detained under sub-section (1) and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon and other amounts due under sub-section (4) within ten days from the date of seizure, such authority as the municipal council may empower in this behalf may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

(*a*) the tax, if any, due on the vehicle,
(*b*) such penalty not exceeding the amount of the tax as the authority may direct, and
(*c*) the charges incurred in connection with the seizure, detention and sale.

(3) If there is a surplus after such payment, the municipal council shall, on demand made within six months from the date of sale, make it over to the owner

1. Inserted by Act XXXV of 1943.

or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the municipal council.

(4) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(*a*) the tax due on the vehicle,

(*b*) such penalty not exceeding the amount of the tax as the authority specified in sub-section (1) may direct, and

(*c*) the charges incurred in connection with seizure and detention.]

(2) *Assessment of and liability to rates.*

Appointment of assessor.

68. (1) For assessing taxes imposed in the form of a rate on buildings or lands or both, the municipal council shall, with the previous sanction of the Government, appoint an assessor.

(2) The municipal council may also assign to the assessor any other work which in its opinion he can perform without prejudice to his duties as assessor.

Preparation of an assessment list.

69. (1) When a rate on buildings or lands or both is imposed, the assessor shall cause an assessment list of all buildings, or lands, or buildings and lands in the municipality to be prepared, containing—

(*a*) the name of the street or division in which the property is situated;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(*c*) names of the owner and occupier, if known;

(*d*) the annual letting value or other valuation on which the property is assessed; and

(*e*) the amount of the tax assessed thereon.

Power to inspect.

(2) For the purpose of making such assessment as aforesaid, the assessor and any person appointed to assist him in his work may make an inspection of such property.

Returns to be furnished.

(3) On the requisition of the assessor, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

(*a*) as to the name and place of abode of the owner or occupier, or of both ;

(*b*) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.

70. (1) When the name of the person primarily liable for the payment of a rate on buildings or lands or both in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment list, and in any notice which it may be necessary to serve upon the said person under this Act, " the holder " of such premises without further description.

Occupier liable for a rate on buildings or lands or both until he gives information.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all rates on buildings or lands or both leviable on the premises of which he is in occupation.

Publication of notice of assessment list.

71. When the assessment list has been completed, the assessor shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment list.

72. (1) The assessor shall, at the time of the publication of such assessment list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment ; and in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property, if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property.

Revising authority.

(2) In a municipality for which there is a municipal commissioner, such municipal commissioner and elsewhere the managing committee or any committee or committees to which the municipal council delegates the powers and functions of the managing committee in this behalf or any officer of the Government to whom with the permission of the Government the municipal council delegates, and it is hereby empowered to delegate, the powers and functions of the managing committee in this behalf, shall be the revising authority to whom objections under sub-section (1) may be made.

Objections how to be made.

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose.

Hearing of objections.

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent,

(*a*) investigate and dispose of the obligations,

(*b*) cause the result thereof to be noted in the book kept under sub-section (3), and

(*c*) cause any amendment necessary in accordance with such result to be made in the assessment list.

(5) From every order of the municipal commissioner under sub-section (4), there shall be an appeal in accordance with the rules to be framed by the municipal council in this behalf to the managing committee whose decision shall be final, notwithstanding anything contained in sub-section (2) of section 37.

Authentication of list.

(6) When all objections made under this section and appeals under sub-section (5), have been disposed of and all amendments in accordance with sub-sections (4) and (5) have been made in the assessment list, the said list shall be authenticated by the revising authority.

Custody and inspection of list.

(7) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property

specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published.

Authenticated list how far conclusive.

(8) Subject—

(*a*) to such alterations as may thereafter be made therein, under the provisions of the next following section, and

(*b*) to the result of any appeal made under section 101,

the entries in the list so authenticated and deposited shall be accepted as conclusive evidence—

(i) for the purposes of all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment list.

73. (1) The municipal council may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

Objections how dealt with.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by sub-section (3) of section 72, shall be dealt with in all respects as if it were an application under the said section.

Effect of amendment.

(3) An entry or alteration made under this section shall, subject to the provisions of section 101, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the

day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed ; and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

Notice to be given to the municipal council of demolition or removal of a building.

74. (1) When any building or any portion of a building which is liable to the payment of a rate on buildings or lands or both is demolished or removed, otherwise than by order of the municipal council, the person primarily liable for the payment of the said rate shall give notice thereof, in writing, to the municipal council.

(2) Until such notice is given, the person aforesaid shall continue liable to pay every such rate as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed.

(3) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

New assessment list need not be prepared every year.

75. (1) It shall not be necessary to prepare a new assessment list every year. Subject to the condition that every part of the assessment list shall be completely revised not less than once in every four years, the assessor may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

(2) But the provisions of sections 71, 72 and 73 shall be applicable every year as if a new assessment list had been completed at the commencement of the official year.

Tax from whom primarily leviable.

76. Every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or lands, or holds them on a building or other lease from

the Government or from the municipal council, or on a building lease from any person. Otherwise, the said tax shall be primarily leviable as follows, namely :

(*a*) if the property is let, from the lessor ;

(*b*) if the property is sublet, from the superior lessor ;

(*c*) if the property is unlet, from the person in whom the right to let the same vests :

Recovery from occupiers.

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due, as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list, whichever of those two amounts is the greater.

Remedy of occupier in such case.

Provided further, that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum.

Notice to be given to municipal council of all transfers of title by persons primarily liable to payment of taxes on buildings or lands.

77. (1) Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings, or lands or both to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall give notice of such transfer in writing to the municipal council.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give notice of such transfer to the municipal council.

Form of notice.

78. (1) The notice to be given under the last preceding section shall be in the form either of schedule VIII or schedule IX, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the municipal council may, if it thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Mysore Registration Act, 1903.

Name of transferee to be substituted in the municipal registers.

79. Whenever such transfer comes to the knowledge of the municipal council either through such notice or otherwise, and after such enquiry as may be necessary, the name of the transferee shall be substituted in the municipal registers for that of the person primarily responsible.

Liability for payment of taxes on buildings or lands continue in the absence of notice of transfer.

80. (1) Every person, primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands, who transfers his title to or over such premises without giving notice of such transfer to the municipal council as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all taxes from time to time payable in respect of the said premises, until he gives such notice, or until the transfer shall have been recorded in the registers of the municipal council.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the municipal council on the premises conferred by section 102 for the recovery of the taxes due thereupon.

Remission of tax in case of vacancies; when obligatory.

81. (1) Where any building or land which is assessed to a rate based on the annual letting value and payable by the year or in respect of which a special sanitary cess is payable by the year, or by instalments, has remained vacant and unproductive of rent throughout the year or portion of the year for which the rate is leviable or throughout the period in respect of which any such instalment is payable, the municipal council shall remit or refund not less than two-thirds of the amount of the rate, or of the cess, or instalment of the cess, as the case may be:

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to

the municipal council, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

When discretional.

(2) When any such building or land as aforesaid—

(*a*) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements, one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(*c*) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the municipal council may remit or refund such portion, if any, of the rate or cess or instalment as it may think equitable.

Burden of proof on claimant.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him.

Explanatory clause.

(4) For the purposes of this section, a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

(3) *Power to charge fees.*

Municipal council may charge fees for certain licenses.

82. (1) When any license is granted by the municipal council under this Act, or when permission is given by it for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the municipal council, the municipal council may charge a fee for such license or permission.

Levy of fees for unauthorised occupation or projection.

(2) The municipal council may charge a higher fee by way of penalty for any erection, or projection, or for the use or occupation of any public street or other land vested in the municipal council by any person without its permission or license. Such fee shall be leviable irrespective of any other penalty or liability to which the person liable to pay the same may be subject under any other provision of this Act or any other law for the time being in force. The rates of such higher fees shall be determined by rules.

Market and other fees.

(3) The municipal council may also charge such fees as may be fixed by by-laws [1][either] under clause (*a*) of sub-section (1) of section 51 for the use of any such places mentioned in that sub-section, as belong to the municipal council, [2][or for any other purpose relating to municipal administration.]

Farming of fees.

(4) It shall be lawful for the municipal council to lease the levy of any fee that may be imposed under sub-section (3) by public auction or private contract.

Power of lessee to expel persons who refuse to pay fees.

(5) When any fee has been leased under sub-section (4), any person employed by the lessee to collect such fees or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable any person who is liable to pay the fee but refuses to pay it.

(4) *Special provisions relating to certain taxes.*

Fixed charges and agreements for payment in lieu of taxes for water supplied.

83. (1) The municipal council may, instead of imposing a water-rate, or where a water-rate has been imposed in individual cases, instead of levying a rate imposed in respect of the supply of water belonging to the municipal council to, or for use in connection with, any private lands or buildings,

(*a*) fix at rates not exceeding such as shall be specified in the rules in force under section 49, charges for such supply according to the quantity used as ascertained by measurement,

(*b*) arrange with any person, on his application, to supply on payment, periodical or otherwise, water belonging to the municipal council in such quantities or for such purposes, whether domestic, ornamental, or irrigational or for trade, manufacture or otherwise, on such terms and subject to such conditions as it shall fix by agreement with such person :

Provided that—

(*a*) the meter, connection pipes and all other works necessary for and incidental to such supplies, and all future repairs, extensions and alterations of such works shall be under the control of the municipal council, and

1. Inserted by Act IX of 1943.
2. Added by Act IX of 1943.

the expense thereof shall, so far as is not inconsistent with the rules or by-laws of the municipal council, be defrayed by the persons liable in respect of such supplies, and

(*b*) all such supplies of water shall be, and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof, and as to the prevention of waste or misuse, as are prescribed in the by-laws for the time being in force under section 51.

Power to fix a special rate in lieu of special sanitary cess.

(2) When the municipal council has made provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, it may, instead of levying in respect thereof any special sanitary cess imposed under this chapter, fix a special rate, and the dates and other conditions for periodical payments thereof, which shall be determined either ;

(*i*) in accordance with the rules for the time being in force under section 49, or

(*ii*) by written agreement with the person who would have been otherwise liable for the cess, provided that, in fixing the amount, proper regard be had to the probable cost to the municipal council of the service to be rendered.

Power to compound tax on vehicles or animals.

(3) When the municipal council has imposed a tax on vehicles or animals used for riding, draught or burden and kept within the municipality for use, it may compound with the keeper of any livery-stable or of horses or vehicles kept for sale and hire, for the payment of a lumpsum for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

Composition of toll.

(4) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half-yearly in advance in lieu of all tolls payable in respect of any vehicle belonging to such person and issue a pass for the free admittance of the vehicle or animal, within the limits of the municipality, provided

that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle had to pay toll once every day during the period for which the pass is issued.

Recovery of sums claimed under this section.

(5) Every sum claimed by the municipal council as due under sub-section (1) as a charge fixed by agreement or otherwise on account of water-supply, or as expenses to be defrayed such as are referred to in that sub-section, or as a special rate under sub-section (2) or as a lumpsum payable under sub-sections (3) and (4) shall for the purposes of chapter VIII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

Certain rights not affected by section 83.

84. Nothing contained in section 83 shall affect the right or powers of the municipal council to contract with any person to supply for use beyond the limits of the municipality, at such rates and on such conditions as the municipal council may think fit, any quantity of water belonging to the municipal council but not required for the purposes of this Act.

Power of Government to suspend or prohibit levy of objectionable taxes.

85. If it shall at any time appear to the Government on complaint made or otherwise, that any tax leviable by a municipal council, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, the Government may require the said municipal council, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if, within the period so fixed, such requirements shall not be carried into effect to the satisfaction of the Government, it may, by notification in the official Gazette, suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The Government may at any time, by a like notification, rescind any such suspension.

Power of Government to require municipal council to impose taxes.

86. Whenever it appears to the Government that the balance of the municipal fund of any municipal council is insufficient for meeting the expenditure incurred under section 219 or under section 221 or for the performance of any duties in respect of which it shall have been

declared under section 224 to have committed default, the Government may by notification require the municipal council to impose, within the municipality, any such tax specified in the notification as may be imposed under section 64 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the Government considers fit, and the municipal council shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this chapter, as if a resolution of the municipal council had been passed for the purpose under section 65 :

Provided that—

(*a*) the Government shall take into consideration any objection which the municipal council or any inhabitant of the municipality may make against the imposition or enhancement of such tax,

(*b*) it shall not be lawful for the municipal council to abandon or modify or to abolish such tax when imposed, and

(*c*) the Government may at any time cancel or modify any requisition made by it under this section, and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) *Octroi and Tolls.*

Octroi by-laws to be submitted with proposal for imposition of octroi.

87. Every municipal council when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of by-laws for the purposes of clause (*k*) of sub-section (1) of section 51, after observing the requirements of sub-sections (2) and (3) of that section.

Power to examine articles liable to octroi.

88. (1) Every person bringing into, or receiving from beyond the octroi limits of a municipality any article on which octroi is payable shall, when required by an officer authorised in this behalf by the municipal council and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect, examine and weigh and otherwise deal with the article ; and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to search where octroi is leviable.

(2) If any person bringing into, or receiving from beyond the octroi limits of a municipality in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorised by the municipal council in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a magistrate or such officer of the municipal council as the Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

89. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for evasion of octroi.

(2) If goods passing into a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the municipal council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall on conviction by a magistrate be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater.

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

[1][**90.** (1) Any person,—

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the

1. Substituted by Act VII of 1940.

articles so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater ; and

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

(2) Any officer of the municipal council authorised by the municipal council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same :

Provided that any article or person so seized or arrested shall be produced before a magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest :

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees in value and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

(3) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section.]

Tables of tolls to be shown on demand.

91. Every municipal council imposing any toll under this Act shall cause to be kept at each place, where such toll is to be collected, a table in Kannada showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorised to demand payment of a toll, to show such table, on the request of any person on whom such demand is made.

Power to seize vehicle on non-payment of octroi or toll.

92. (1) In the case of non-payment on demand of any octroi or of any toll leviable by a municipal council, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle on which the toll is chargeable or any part

of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, or article seized a list of the property together with a written notice in the form of Schedule XII.

Notice of sale.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid.

Release of property on payment.

(3) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred and of the octroi or toll payable, the municipal council shall forthwith release the property seized.

Sale.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale.

Surplus how dealt with.

(5) The surplus, if any, of the sale proceeds shall be credited to the municipal fund, and may, on application made to the municipal council in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the municipal council.

Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

93. The municipal council, if it thinks fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipality, may at any time direct that an account current shall be kept on behalf of the municipal council of the octroi so due from any such firm or body as the municipal council specifies in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the municipal council or any committee or officer authorised

by it in this behalf, shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of Chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said chapter.

Farming of tolls.

94. (1) It shall be lawful for the municipal council to lease annually the levy of any toll that may be imposed under this Act by public auction or private contract.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 92 ; provided that no article distrained may be sold except under the orders of the municipal council.

CHAPTER VIII.

Recovery of Municipal Claims.

Presentation of bill for taxes.

95. (1) When any amount—

(*a*) which, by or under any provisions of this Act, is declared to be recoverable in the manner provided by this chapter, or

(*b*) which, not being leviable under sub-section (1) of section 92, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which now is imposed or hereafter may be imposed in any municipality,

shall have become due, the municipal council shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof, a bill for the sum claimed as due.

Contents of bill.

(2) Every such bill shall specify—

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

(i) the liability incurred in default of payment, and of

(ii) the time within which an appeal may be preferred as hereinafter provided against such claim.

If bill not paid within fifteen days, notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorised by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the municipal council may cause to be served upon the person to whom such bill has been presented a notice of demand in the form of Schedule X, or to the like effect.

In what cases warrant may issue.

96. (1) If the person on whom a notice of demand has been served under section 95, sub-section (3), does not, within fifteen days from the service of such notice of demand, either—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the municipal council, or of such officer as the municipal council by rule may appoint in this behalf, or of the chief officer, or of the municipal commissioner, if any, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 101 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the municipal council in the form of Schedule XI or to the like effect, by distress and sale of the movable property of the defaulter.

Warrant by whom to be signed.

(2) Every warrant issued under this section shall be signed by the president of the municipal council causing the same to be issued, or by an officer to whom the municipal council has delegated its powers under section 38 or by the chief officer, or by the municipal commissioner, if any.

To whom the warrant should be addressed.

(3) Where the property is in the area under the control of the municipal council, the warrant shall be addressed to an officer of the municipal council. Where the property is in another municipality constituted under

this Act or the Mysore Town Municipalities Act, 1933,[1] or under the Mysore Minor Municipalities Act, 1933,[1] or in a place which is not a municipality constituted under the aforesaid Acts, the warrant shall be addressed to the president of the municipal council concerned or to the Amildar of the Taluk as the case may be ; provided that such president or Amildar may endorse such warrant to a subordinate officer.

Power of entry under special order.

(4) It shall be lawful, for any officer to whom a warrant issued under sub-section (2) is addressed or endorsed, if the warrant contains a special order authorising him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention and has given such women an opportunity to remove.

Warrant how to be executed.

(5) It shall also be lawful for any such officer, if authorised by the warrant, to distrain, wherever it may be found any movable property of the person named in the warrant issued under sub-section (1) as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

(*a*) The following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed, grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(*b*) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible

1. Repealed and re-enacted as the Mysore Town Municipalities Act, 1951.

proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under sub-section (2) to sign a warrant or of the person to whom the warrant was addressed, should not have been so distrained, they shall forthwith be returned.

(*c*) The officer shall on distraining the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of distraint, a written notice in the form of Schedule XII.

Sale of goods distrained in special cases.

97. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or officer by whom the warrant was signed, shall at once give notice to the person in whose possession the property was when distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Sale of property distrained; application of proceeds of sale.

(2) If not sold at once under sub-section (1), the property distrained or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the municipal council, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus, if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint, but if the same be claimed by written application to the municipal council within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the municipal council.

(*Chapter VIII—Recovery of Municipal Claims*)

Distraint and sale outside the municipality.

98. Where the warrant is addressed outside the municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such officer shall after deducting all costs of recovery incurred by him remit the amount recovered under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with the provisions of section 97.

Summary proceedings may be taken against persons about to leave the municipality.

99. (1) If the municipal council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this chapter is due or is about to become due, is about to remove from the municipal area, the municipal council may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the municipal council's warrant for distress and sale may be issued and executed without any delay.

100. Fees for—

Fees and costs chargeable.

(*a*) every notice issued under sub-section (3) of section 95,

(*b*) every distress made under sub-section (5) of section 96, and

(*c*) the costs of maintaining any live-stock seized under the said sub-section,

shall be chargeable at the rates respectively specified in such behalf in the rules of the municipal council, and shall be included in the costs of recovery to be levied under section 97.

Appeal to magistrates.

101. (1) Appeals against any notice of demand issued under sub-section (3) of section 95, may be made to any magistrate or bench of magistrates by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried.

But no such appeal shall be heard and determined unless—

(*a*) the appeal is brought within one month next after service of the notice of demand complained of; and

(*b*) an application in writing, stating the grounds on which the claim is disputed, has been made as follows, that is to say:

(i) in the case of a rate on buildings or lands, to the assessor or the municipal council as the case may be, within the time fixed in the notice given under section 72 or 73 of the assessment or alteration thereof, according to which the bill is prepared;

(ii) in the case of any other claim for which a bill has been presented under sub-section (1) of section 95 to the municipal council within fifteen days next after the presentation of such bill; and

(*c*) the amount claimed from the appellant has been deposited by him in the municipal office.

Revision of decisions on appeal.

(2) The decision of the magistrate or bench of magistrates upon any appeal, shall at the instance of either party, be subject to revision by the court to which appeals from his or their decisions ordinarily lie.

(3) Effect shall be given by the municipal council to every decision of the said magistrate or bench of magistrates on any appeal or any decision in revision on such appeal.

Liability of land, buildings, etc., for rates.

102. All sums due on account of any tax imposed in the form of a rate on lands or buildings, or on both, mentioned in section 76, shall, subject to prior payment of land revenue, if any, due to the Government thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the moveable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes:

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Receipts to be given for all payments.

103. For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid shall be tendered by the person receiving the same.

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(1) *Powers in respect of streets.*

Power regarding streets, etc.

104. (1) It shall be lawful for the municipal council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and, subject to the provisions of sub-section (2) of section 41, to lease or sell any such land theretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purposes of this Act.

(2) In laying out or making, or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addtion to the land required for the carriage-way and foot-ways and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 41, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Power to require repair of streets;

105. (1) When the municipal council considers that in any street, not being a public street, or in any part of such street, within the municipality, it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the municipal council may by written notice require the respective owners of the lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in any manner and within a time to be specified in such notice.

and to declare such streets public.

(2) After such work has been carried out by such owners or, as provided in section 187 by the municipal council at the expense of such owners, the street or part thereof in which such work has been done shall on the joint requisition of a majority of the said owners, be declared by a public notice, put up therein by the municipal council, to be a public street.

(3) If the notice under sub-section (1) is not complied with and such work is executed by the municipal council as provided in section 187, the expenses thereby incurred shall be apportioned by the municipal council, between such owners in such manner as it may think fit, regard being had, if it deems it necessary, to the amount and value of any work already done by the owners or occupiers of any such lands or buildings.

Power to declare any street a public street subject to objections by the owners.

(4) A municipal council may, at any time, by notice fixed up in any street or part of a street not maintainable by the municipal council give intimation of its intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of several owners of such street or such part of a street, lodges or lodge objections thereto at the municipal office, the municipal council may, by notice in writing put up in such street, or such parts, declare the same to be a public street.

Temporary closure of streets.

106. The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water supply or lighting or any of the purposes of this Act.

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

New streets.

107. (1) Every person intending to lay out or make any new street, shall give notice in writing thereof to the municipal council, and shall furnish plans and sections showing the intended level, means of drainage, direction and width of such street, if required by the municipal council to do so and the level, means of drainage, direction and width of every such street shall be fixed or approved by the municipal council.

(2) Before passing orders under sub-section (1), the municipal council may either issue—

Power of municipal council to pass orders.

(*a*) a provisional order directing that, for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) a demand for further particulars.

(3) If —

Right to proceed in certain cases.

(*a*) within one month from the receipt of the notice given under sub-section (1), the municipal council has neither—

(i) passed orders and served notice thereof either fixing or disapproving the proposals submitted under sub-section (1) with regard to level, means of drainage, direction and width of the street, nor

(ii) under sub-section (2), issued any provisional order or demand for further particlars, or if

(*b*) the municipal council, having issued such demand for, and having received, in accordance with the demand and with the by-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars,

then the street may be laid out and made, in such manner as may have been specified in the notice, and as is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder.

Penalty.

(4) Whoever lays out, makes or builds upon any such street, either without giving the notice required by sub-section (1), or, except in accordance with the provisons of sub-secion (3), without awaiting, or otherwise than in accordance with, the instructions issued by the municipal council, or in any manner contrary to the provisions of this Act or of any by-law in force thereunder, shall be punished with fine which may extend to two hundred rupees, and the municipal council may cause any street so laid out or made to be altered, and any building erected in such street contrary to its directions to be altered, or removed, and the expense thereby incurred shall be paid

to it by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

The regular line of public street.

108. (1) It shall be lawful for such municipal council as may be notified by the Government in this behalf, to prescribe a line on either side or both sides of any public street within the municipality and the municipal council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof.

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the municipal council shall notify the same in the Official Gazette and shall give public notice of it and it shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(*b*) the municipal council shall consider any written objection or suggestion in regard to such proposal delivered at the office of the municipal council within such time as it may specify in such public or special notice; and

(*c*) the municipal council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called 'the regular line of the public street.'

(3) (*a*) Except under the provisions of section 135, no person shall construct or reconstruct any portion of any building, within the regular line of the public street without the permission of the municipal council under section 115.

(*b*) Where the muncipal council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be vested in the municipal council and deemed part of the public street.

(*c*) Compensation, the amount of which shall, in case of dispute be ascertained and determined in the manner provided in section 191 shall be paid by the municipal council to the owner of any land vesting in the municipal council under clause (*b*) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the municipal council under the said clause (*b*).

(4) Whoever contravenes the provisions of sub-section (3) shall be punished with fine which may extend to two hundred rupees ; and the municipal council may—

(*a*) direct that the building be stopped, and

(*b*) by a written notice, require such building or portion thereof to be altered or demolished as it may deem necessary.

(2) *Powers to regulate buildings, etc.*

Setting back projecting buildings.

109. (1) If any part of a building projects beyond the regular line of a public street as prescribed under section 108, or beyond the front of the building on either side thereof, the municipal council may,—

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then, whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed, or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the municipal council.

Acquisition of land which is within the regular line of a street and upon or occupied only by platforms, etc.

(2) If any land, not vested in the municipal council, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the municipal council, after giving the owner of the land not less than fifteen clear days' written notice of its intention, or if the land is vested in the Government then with the permission in writing of the Deputy Commissioner, may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the municipal council.

Compensation payable by the municipal council.

(3) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 191, shall be paid by the municipal council to the owner of any land added to a street under sub-section (1) or acquired under sub-section (2), for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the municipal council under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 141 applies.

(4) When the amount of compensation has been so ascertained and determined, or when a ruinous or dangerous building falling under sub-section (1) has been taken down under the provisions of section 141, the municipal council may, after tendering the amount of compensation, if any, as may be payable, take possession of the land so added to the street, and, if necessary, may clear the same.

Setting forward to regular line of street.

110. The municipal council may, upon such terms as it thinks fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

Buildings at corner of streets.

111. (1) The municipal council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the municipal council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Roofs and external walls of buildings not to be made of inflammable materials.

112. (1) The external roofs and walls of buildings erected or renewed after the coming into force of this Act shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials, except with the written consent of the municipal council, which may be given either specially in individual cases, or generally in respect of any area specified therein.

Power to require removal of roof and wall if inflammable.

(2) The municipal council may at any time, by written notice, require the owner of any building which has an external roof or wall made of any such materials as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at which this Act came into force, and whether it was made with or without the consent of the municipal council.

Penalty.

(3) Whoever without such consent as is required by sub-section (1) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (2) suffers to remain, any roof or wall of such materials as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued after the date of the first conviction.

Level of buildings.

113. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the municipal council, or into some stream or river, or some cesspool, or other suitable place which may be approved of by the municipal council.

Rat-proof building for warehouse for storing grain.

114. The municipal council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

Notice of new buildings.

115. (1) Before beginning to construct any building, or to alter externally or add to any existing building,

or to construct or reconstruct any projecting portion of a building in respect of which the municipal council is empowered by section 109 to enforce a removal or set-back, or to construct or reconstruct which the municipal council is empowered by section 108 to give permission, the person intending so to construct, alter, add or reconstruct shall give to the municipal council notice thereof in writing, and shall furnish to it at the same time, if required by a by-law or by special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the municipal council, and all information required by the by-laws or demanded by the municipal council regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, and the purpose for which the building will be used.

Power of municipal council to pass orders.

(2) Save as otherwise provided in this Act or the rules and by-laws thereunder, the municipal council may,

(*a*) either give permission to construct, alter, add or reconstruct according to the plan and information furnished, or

(*b*) impose in writing conditions, in accordance with this Act and the rules and by-laws made thereunder, as to level, drainage, sanitation, design, materials or to the dimensions and cubical contents of rooms, doors, windows and apertures for ventilation or to the number of storeys to be erected, or with reference to the location of the building in relation to any existing building or street, existing or projected, or the purpose for which the building is to be used, or

(*c*) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to its satisfaction.

Provided that the direction in sub-clause (*c*)—

(*i*) shall apply only to buildings on sites not laid out by the municipal council or other competent authority; and

(*ii*) shall not be in force after six months from the date on which the direction is given.

Or to suspend the work or to require further particulars.

(3) Before issuing any orders under sub-section (2), the municipal council may, within one month from the receipt of such notice, either issue,.

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars.

Right to proceed in certain cases.

(4) A building proposed in a notice given under sub-section (1) may be proceeded with in such manner, as may have been specified in such notice, as is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder in the following cases, that is to say:—

(*a*) in case the municipal council, within one month from the receipt of the notice given under sub-section (1), has neither—

(i) passed orders under sub-section (2) and served notice thereof in respect of the intended work; nor

(ii) issued under sub-section (3) any provisional order or any demand for further particulars;

(*b*) in case the municipal council having issued such demand for, and having received in accordance with the by-laws in force in this behalf, such further particulars, has issued no further orders within one month from the receipt of such particulars.

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4).

(6) [1][If any person] begins or makes any building or alteration or addition without giving the notice required by sub-section (1), or without furnishing the plan or

1. Substituted by Act XVI of 1950.

affording the information above prescribed, or except as provided in sub-section (4), without awaiting, or in any manner contrary to such legal orders of the municipal council as may be issued under this section or contrary to the provisions of sub-sections (4) or (5) or in any other respect contrary to the provisions of this Act or of any by-law in force thereunder,

[1][(i) the municipal council may, whether any action is taken or not against such person under clause (ii) of this sub-section,

(*a*) direct that the building, alteration or addition be stopped, and

(*b*) by written notice, require such building, alteration or addition to be altered or demolished, as it may deem necessary ;

(ii) such person shall be punishable with fine which may extend to two hundred rupees.]

(7) The municipal council or any officer deputed by it may at any time inspect the erection of any building without giving notice of its or his intention to do so, and at any time during the erection of a building or the execution of any such work as aforesaid, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Act or of any by-law made under this Act at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or, if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work to cause anything done contrary to any such provision or by-law to be amended, or to do anything which by any such provision or by-law he may be required to do but which has been omitted.

EXPLANATION.—The expression " to erect a building " throughout this chapter includes—

(*a*) any material alteration, enlargement or reconstruction of any building,

1. Substituted by Act XVI of 1950.

(*b*) the conversion into a place as human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangments of a building as affect its drainage, ventilation or other sanitary arrangements or its security or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building.

And a building so altered, enlarged, re-constructed, converted or added to, shall, for the purpose of this chapter, be deemed to be new building.

Power of Government to prohibit the erection of buildings in certain area without permission.

116. (1) Notwithstanding anything contained in section 109, the Government may in the public interest and after consulting the municipal council prohibit by notification published in the Official Gazette, the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf :

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by it in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall on conviction before a magistrate be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2).

Regulation of huts.

117. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the municipal council and the municipal council may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the municipal council may think proper for ventilation and to facilitate scavenging, and at such a level as will admit to sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to it may seem necessary. If any hut or shed or range or block be built without giving such notice to the municipal council, or otherwise than as required by the municipal council, the municipal council may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the municipal council may think fit.

Improvement of huts.

118. (1) Whenever the municipal council is of opinion that any huts or sheds whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into operation or subsequently erected, are by reason,—

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on

which such hut or shed is built, within such reasonable time as may be fixed by the municipal council for that purpose, to take down and remove such hut or shed, or to execute such operations as the municipal council may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the municipal council may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the municipal council, the municipal council shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the municipal council until the person interested therein shall obtain the order of a competent court for the payment of the same:

Provided always that in case any huts or sheds, existing at the time when the land on which they are situate first became part of a municipality, should be pulled down under this section by order of the municipal council or in pursuance of its notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 191.

(3) *Powers connected with drainage, water works, etc.*

Municipal control over drains, etc.

119. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall be under the survey and control of the municipal council.

(2) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the municipal council or other person to whom they severally belong, with proper traps, or other coverings or means of ventilation, and the municipal council may by written notice call upon the owner of any such covered sewers, drains, or cesspools to make provision accordingly.

Powers for making drains.

120. (1) In order to carry out any drainage scheme, it shall be lawful for a municipal council to carry any drain, sewer, conduit, tunnel, culvert, pipe or water course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipality.

(2) The municipal council, or any officer appointed by it for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the municipal council has been already constructed, or may repair or alter any drain vested in the municipal council.

(3) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 191, shall be paid by the municipal council to any person who sustains damage by the exercise of such power.

Sufficient drainage of houses.

121. (1) If any building or land be at any time undrained, or not drained to the satisfaction of the municipal council, the municipal council may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner.

New buildings not to be erected without drains.

(2) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the municipal council to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the municipal council to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage situated at distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the municipal council directs.

Power of owners and occupiers of buildings or lands to drain into municipal drains.

122. The owner or occupier of any building or land within the municipality shall be entitled to cause his drains to empty into sewers of the municipal council, provided that he first obtains the written permission of the municipal council, and that he complies with such conditions as the municipal council prescribes as to the mode in which the superintendence under which the communications are to be made between drains not vested in the municipal council and drains which are so vested.

Sewage and rain-water drains to be distinct.

123. Whenever it is provided in this Act that steps shall or may be taken for the effectual drainage of any premises, the municipal council may require that there shall be one drain for offensive matter and sewage, and another drain for rain-water and unpolluted sub-soil water, each emptying into separate municipal drains or other places set apart by the municipal council for the discharge of drainage or into other suitable places.

Right to carry drain through land or into drain belonging to other persons how and on what conditions to be authorised by municipal council.

124. (1) If the owner or occupier of any building or land proves to the satisfaction of the municipal council that he cannot connect the same with any municipal drain otherwise than by means of a drain to be constructed through land, or to be connected with a drain belonging to or occupied by or in the use of some other person, the municipal council, after giving to such other person a reasonable opportunity of stating any objection to such application may, if no objection is raised or if any objection which is raised is in its opinion insufficient, by an

order in writing authorise the owner or occupier first mentioned to carry his drain into, through or under the said land, or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the said drains, as may appear to it to be adequate and equitable.

Written order of municipal council authority for execution of necessary work.

(2) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner or occupier of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner or occupier reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset, and, subject to all the provisions of this Act, to do all such work as may be necessary—

(*a*) for the construction or connection of the drain as may be authorised by the said order, or

(*b*) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

Work how to be carried out.

125. In executing any work under section 124, as little damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall,—

(*a*) cause the work to be executed with the least practicable delay ;

(*b*) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work ; and

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

Rights of owner of land through which drain is carried, in regard to subsequent building thereon.

126. If the owner of any land into, through or under which a drain has been carried under section 124, whilst such land was unbuilt upon, shall at any subsequent time desire to erect a building thereon, the municipal council may, if it sanctions the erection of such building, by written notice require the owner or occupier of the building or land for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as it may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building; and may also, by written notice require the person desiring to erect the building to make such alterations in the location of the building with reference to the drain, or in the details of the construction of the building, and on such terms, as the municipal council may deem to be necessary for the maintenance of the drainage connection.

Provision of privies, etc.

127. (1) In case the municipal council shall be of opinion that any privy, or cesspool, or additional privies, or cesspools, should be provided in or on any building or land, or, in any municipality in which a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the municipal council may by written notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the municipal council may deem proper.

(2) The municipal council may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the municipal council may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(3) The municipal council may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as it may direct any privy door or trap door which opens on to any street, and which it deems to be a nuisance.

Cost of altering, repairing and keeping in proper order privies, etc.

128. (1) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipality shall, unless constructed at the cost of the municipal council, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the municipal council may by written notice require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The municipal council may by written notice require the owner to demolish or close any privy or cesspool, whether constructed before or after the coming into operation of this Act, which in the opinion of the municipal council, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power to close existing private drains.

129. When any building or land within the municipality has a drain communicating with any cesspool or sewer, the municipal council, if it considers that such drain, though it may be sufficient for the drainage of such building or land, and though it may be otherwise unobjectionable, is not adapted to the general sewerage of the municipality, may close such drain, and such cesspool or sewer, whether it is or is not on land vested in the municipal council, on providing a drain or drains equally effectual for the drainage of such building or land, and the municipal council may do any work necessary for the purpose.

Power in respect of sewers, etc., unauthorisedly constructed, re-built or unstopped.

130. The municipal council may by written notice require that any sewer, drain, privy, water-closet, house-gully or cesspool on any land within municipal limits, constructed, or re-built or unstopped—

(*a*) after such land became part of a municipality, and

(*b*) either without the consent or contrary to the orders, directions or general regulations or by-laws of the municipal council, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as it may deem fit, by the person by whom it was so constructed, re-built

or unstopped, and every person so constructing, rebuilding or unstopping any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice, or does or does not comply therewith shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

Encroachment on municipal drains, etc.

131. (1) Whoever, without the written consent of the municipal council first obtained, makes or causes to be made any drain into or out from any of the sewers of drains vested in the municipal council, shall be punished with fine which may extend to twenty-five rupees, and the municipal council may by written notice require such person to demolish, alter, re-make or otherwise deal with such drain as it may think fit.

(2) No building shall be newly erected or re-built over any sewer, drain, culvert or gutter vested in the municipal council without the written consent of the municipal council, and the municipal council may by written notice require the person who may have erected or re-built such building to pull down or otherwise deal with the same as it may think fit.

Inspection of drains, etc.

132. (1) The municipal council or any officer appointed by it for such purposes may, subject to the restrictions of this Act, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

Expense of inspection when to be borne by the municipal council.

(2) The expense of such inspection, and of causing the ground to be closed and made good as before, shall be borne by the municipal council unless the sewer, drain, privy, water-closet, housegully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment, or of any by-laws of the municipal council in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, housegully or cesspool, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Municipal council may execute certain works under this sub-chapter without allowing option to persons concerned of executing the same.

133. (1) The municipal council may, if it thinks fit, cause any work of the nature to which this sub-chapter applies, to be executed by municipal or other agency under its own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

Expenses in such cases by whom to be paid.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the municipal council shall, by a general or special order or resolution, sanction, as it is hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

(3) Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private buildings or lands shall, if supplied, constructed or erected at the expense of the municipal council, be deemed to be municipal property, unless the municipal council shall have transferred its interest therein to the owner of such buildings or lands.

Power of carrying water mains, etc.

134. The water supply department of the Government or the municipal council, as the case may be, in whom the duty of construction and maintenance of water works for supply of water to the municipality vests, shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water mains, pipes and ducts within or without the municipality as the municipal council has and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the municipality.

(4) *Powers regarding external structures, etc.*

Permission necessary for certain projections.

135. (1) The municipal council may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies, or rooms, to project from any upper storey thereof, at such height from the surface of the street as the municipal council may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to

which, and the conditions under which roofs, eaves, weather-boards, shop-boards and the like may be allowed to project over such streets.

(2) Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

Removal of projections.

(3) The municipal council may, by written notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipality, shall have been erected or placed against or in front of such building, and which

(*a*) overhangs or juts into or in any way projects or encroaches upon, any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer or the proper working thereof :

Provided always that the municipal council shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, or after such date with the written permission of the municipal council, make reasonable compensation to every person who suffers damage by such removal or alteration ; and if any dispute shall arise touching the amount of such compensation the same shall be ascertained and determined in the manner provided in section 191.

Troughs and pipes for rain water.

136. The municipal council may, by written notice, require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same,

in such manner as it may think fit, so that it shall not fall upon the persons passing along the street or cause damage to the street.

Fixing of brackets, etc., to houses.

137. The municipal council may erect or fix to the outside of any building, brackets for lamps to be lighted with oil or gas, or subject to the provisions of any law in force relating to electricity, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the law in force relating to telegraphs, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive or other purposes, or such pipes as it may deem necessary for the proper ventilation of sewers and water works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood.

Naming streets and numbering houses.

138. The municipal council may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end, corner, or entrance to every street, the name by which such street is to be known and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

(2) Any person who destroys, pulls down or defaces any such name or number, or puts any name or number different from that put up by the municipal council, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

Penalty for defacing buildings, etc.

139. Any person—

(*a*) who, without the consent of the owner or occupier and in the case of municipal property without the permission in writing of the municipal council, affixes any posting, bill, placard, or other paper or means of advertisement against or upon any building, wall, board, fence or pale, post, lamp-post or the like, or

(*b*) who, without such consent as aforesaid writes upon, soils, defaces or marks any such building, wall, board, fence or pale, post, lamp-post or the like with chalk or paint or in any other way whatsoever,

shall be punished with fine which may extend to twenty rupees.

(*Chapter IX—Municipal Powers and Offences*)

Removal and trimming of hedges, trees, etc.

140. The municipal council may by written notice require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop or trim all trees or shrubs which in any way overhang, endanger, or obstruct or which it deems likely to overhang, endanger or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute or be likely to pollute the water thereof.

(5) *Powers for promotion of public health, safety and convenience.*

Ruinous or dangerous buildings.

141. (1) If any building, or anything affixed thereon, be deemed by the municipal council to be in a ruinous state or likely to fall, or in any other way dangerous to any inhabitant of such building, or of any neighbouring building, or to any occupier thereof, or to passengers, the municipal council shall immediately, if it appears to it to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers ; all expenses incurred by the municipal council under this sub-section shall be paid by the owner or occupier of such building, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Action to be taken on default by owner or occupier.

(2) The municipal council shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building or thing affixed thereon, as the case shall require, and if such owner or occupier does not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the municipal council shall cause all or so much of such building or thing, as it shall think necessary, to be taken down, repaired or otherwise secured.

Proviso if danger is not imminent.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the municipal council, instead of itself causing a hoarding or fence to be put up, to issue in the first instance a notice in writing to the owner or occupier to put up a proper hoarding or

fence, and in the event of the owner or occupier failing to put up, within two days from the service of such notice, a hoarding or fence which the municipal council considers sufficient in the circumstances of the case, the municipal council shall at once cause such hoarding or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2).

Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

142. (1) The municipal council may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water supply shall, whether it is private property or not,

(*a*) keep and maintain any such source of water-supply, other than a stream, in good repair ; or

(*b*) within a reasonable time to be specified in the notice, cleanse any such source of water supply from silt, refuse and decaying vegetation ; or

(*c*) in such manner as the municipal council prescribes, protect any such source of water supply from pollution by surface drainage ; or

(*d*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the municipal council approves, any such source of water-supply, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water supply is, in the opinion of the municipal council, dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall

(*e*) desist from using and from permitting others to use, for drinking purposes any such source of water-supply which not being a stream in its natural flow, is proved to the satisfaction of the municipal council to be unfit for drinking ; or

(*f*) if notwithstanding any such notice under clause (*e*) such use continues and cannot, in the opinion of the municipal council, be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the municipal council considers sufficient to prevent such use, such source of water-supply as aforesaid ; or

(*g*) drain off or otherwise remove from any such source of water-supply, or from any land or permises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the municipal council considers is injurious to health or offensive to the neighbourhood.

Remedy on non-compliance with directions issued.

(2) If the owner or person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of sub-section (1), the municipal council may, and if in its opinion immediate action is necessary to protect the health or safety of any person shall, at once proceed to execute the work required by such notice, and all the expenses incurred therein by the municipal council shall be paid by the owner of, or person having control over, such water supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Provided that in the case of any well or private stream or of any private channel, tank or other source of water supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the municipal council or necessarily incurred by such owner or person having such control may, if the municipal council so directs, be paid from the municipal fund.

Displacing pavements, etc.

143. (1) Whoever displaces, takes up, or makes any alteration in the pavement, gutter, flags, or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the municipal council or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(2) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, fails to replace or restore the same to the satisfaction of the municipal council after notice to do so, shall be punished

with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Obstructions and encroachments upon public streets and open space.

144. (1) Whoever in any place after it has become a municipality shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure or thing, or other encroachment or obstruction except steps over drains in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer, or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees.

(2) The municipal council shall have power to remove any such obstruction or encroachment and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the municipal council or not, provided that if the space be vested in the Government, the permission of the Deputy Commissioner shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand, or other material from, or makes any encroachment in or upon, any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and in the case of an encroachment, with further fine which may extend to ten rupees for everyday on which the encroachment continues after the date of first conviction for such offence.

(4) Nothing contained in this section shall prevent the municipal council from allowing any temporary

occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner, as not to inconvenience the public or any individual.

(5) Nothing contained in this section shall apply to any projection duly authorised under sub-section (1) of section 135 or in any case where permission has been given under sub-section (4) of this section.

Hoardings to be set up during repairs, etc.

145. (1) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as that the work is likely to cause or may cause obstruction, danger, or inconvenience in any street shall, before beginning such work,

(*a*) first obtain a license in writing from the municipal council so to do ; and

(*b*) cause sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from the street, and shall maintain such hoardings or fence standing and in good condition to the satisfaction of the municipal council during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the municipal council.

(2) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Provision of facilities when work is executed in public street.

146. (1) When any work is being executed by the municipal council in any public street it shall, so far as may reasonably be practicable, make adequate provision for—

(*a*) the passage or diversion of traffic ;

(*b*) proper access to all premises approached from such street ; and

(*c*) any drainage, water-supply, or means of lighting which are interrupted by reason of the execution of such work.

Fencing and lighting during repairs, etc.

(2) The municipal council shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in it, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings, and shall cause such bars, chains or posts to be fixed across or in any of the streets, to prevent the passage of carriages, carts, or other vehicles or of cattle or horses, while such works are carried on, as to it shall seem proper; and the municipal council shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night.

(3) Whoever takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of the municipal council, shall be punished with fine which may extend to fifty rupees.

Timber not to be deposited or hole made in a street without permission.

147. (1) No person shall, without the written permission of the municipal council or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street, or erect or deposit thereon any timber, stone, brick, earth or other material that has been, or is intended to be, used for building; and such permission shall be terminable at the discretion of the municipal council; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the municipal council, and shall cause the same to be sufficiently lighted during the night.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

Dangerous quarrying.

148. If in the opinion of the municipal council the working of any quarry, or the removal of stone, earth or other material from the soil in any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof, or creates or is likely to create a nuisance, the municipal council may, by written notice, require the owner of the said quarry or place, or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material or to take such order with such quarry or place as the municipal council shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Provided that if such quarry or place is vested in the Government, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of the Government or any person acting with the permission or under the authority of the Government or of any officer of the Government acting as such, the municipal council shall not take such action unless and until the Deputy Commissioner has consented to its so doing.

Provided further that the municipal council shall immediately cause a proper hoarding or fence to be put up for the protection of passengers near such quarry or place, if in any case referred to in this section it appears to it to be necessary in order to prevent imminent danger, and any expense incurred by the municipal council in taking action under this section shall be paid by such owner or other person as aforesaid, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Provision as to dogs.

149. (1) The municipal council may by public notice require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3), the municipal council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has

provided a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for three clear days; provided that any dog, which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of three clear days.

(5) All expenses incurred by the municipal council under this section may be recovered from the owner of any dog which has been taken possession of or detained, in the manner provided by chapter VIII.

(6) *Powers for the prevention of nuisance.*

Depositing dust, etc.

150. (1) Whoever deposits or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse or filth of any kind, or any animal matter or any broken glass or earthenware or other rubbish or any other thing that is or may be a nuisance, in any street or in any arch under a street or in any drain beside a street or on any open space or on the bank of any river, water-course or nullah, except at such places, in such manner, and at such hours as shall be fixed by the municipal council, and whoever commits or suffers any member of his family to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts or causes or suffers any member of his family or household to throw or put any of the matter above described, or, except with the permission of the municipal council, any night-soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto

as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging sewage, etc.

151. Whoever causes or allows the water of any sink or sewer or any other liquid or other matter which is or which is likely to become offensive, from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in any street, without the permission in writing of the municipal council, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

Non-removal of filth, etc.

152. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees and with further fine which may extend to five rupees for every day on which such offence is continued, after the date of the first conviction.

Removal of night-soil.

153. (1) The municipal council may from time to time fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter.

(2) Whoever,

(a) when the municipal council has fixed such hours, and given public notice thereof by beat of drum, removes, or causes to be removed, along any street any such offensive matter at any time except within the hours so fixed, or

(*b*) at any time, whether such hours have been fixed by the municipal council or not,

(i) uses for any such purpose any cart, carriage, receptacle or vessel not having a covering proper for preventing the escape of the contents thereof and of the stench therefrom, or

(ii) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or

(iii) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

(iv) places or sets down in any public place any vessel containing such offensive matter, or

(v) drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purpose as aforesaid through any street or by any route, other than such as shall from time to time be appointed for that purpose by the municipal council by public notice,

shall be punished with fine which may extend to twenty-five rupees.

Filthy buildings, etc.

154. (1) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or in the opinion of the municipal council a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the municipal council to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction.

(2) Should the state of the building be such as in the judgment of the municipal council to render it unfit for human habitation, it may further by written notice prohibit the using thereof for that purpose until it is so rendered fit.

Deserted and offensive buildings.

(3) If any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby

(*a*) becoming a resort of idle and disorderly persons or of persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or

(*b*) coming into use for any insanitary or immoral purpose, or

(*c*) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the municipal council, if it considers such objection cannot under any other provision of this Act, be otherwise removed may, if there is any person known or resident within the municipality who claims to be the owner of such building, by written notice directed to such person, require such person, or in any other case by written notice fixed on the door or any other conspicuous part of the building require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice, to cause such building to be taken down and the materials thereof to be removed ; and in the event of non-compliance with such requirement, the municipal council, on the expiration of the period specified as aforesaid, may forthwith cause the building to be taken down and the materials to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by it in so doing ; and all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Buildings or rooms in buildings unfit for human habitation.

155. If, for any reason, it shall appear to the municipal council that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, the municipal council shall give to the owner or occupier of such building notice in writing, stating such reason, and signifying its intention to prohibit the further use of the building or room, as the case may be, as a dwelling, unless such improvements as are specified in the notice are executed within a reasonable time and shall in such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice; and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the municipal council invalid or insufficient, the municipal council may by an order in writing prohibit the further use of such building or room as a dwelling and may withdraw such prohibition for proper reasons.

Power to enter and inspect, etc., buildings.

156. It shall be lawful for the president, vice-president, or any councillor or officer authorised by the municipal council in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleansed for sanitary reasons.

Provision of bathing facilities.

157. (1) The municipal council may set apart sufficient public places for the purpose of being used as bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, and for all purposes connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use for any purpose mentioned in this section, of any or all other public places within the municipality.

(2) Copies of all orders passed and notices issued by the municipal council and for the time being in force under this section, shall be kept at the municipal office

and shall be open for inspection by the public at all reasonable times.

Fouling water.

158. (*a*) Whoever, in disobedience of any order of the municipal council under section 157 or of any by-law, bathes in any stream, pool, tank, reservoir, well, cistern, conduit and aqueduct belonging to the municipal council, or washes, or causes to be washed therein any animal or anything whatever, or throws, puts or casts or causes to enter therein any animal or anything, or causes or suffers to run, drain or be brought thereinto anything that is, or may become, a nuisance or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted, and

(*b*) whoever, without permission of the municipal council, steeps in any tank, stream, or ditch within or on the boundary of the municipality, any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance, shall be punished with fine which may extend to fifty rupees.

Abatement of nuisances from wells, etc.

159. (1) If in the opinion of the municipal council—

(*a*) any pool, ditch, quarry, hole, excavation, tank, well, pond, drain, water-course, or any collection of water, or

(*b*) any cistern or other receptacle for water whether within or outside a building, or

(*c*) any land on which water accumulates and which is situate within a distance of one hundred yards from any building used as a dwelling house,

is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance, the municipal council may, by notice in writing, require the owner thereof to fill up, cover over or drain off the same in such manner and with such materials as the municipal council shall prescribe, or to take such order with the same for removing or abating the nuisance as the municipal council shall prescribe.

(2) (*a*) No new tank or pond shall be dug or constructed without the previous permission in writing of the municipal council.

(b) If any such work is begun or completed without such permission, the municipal council may either—

(i) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the municipal council shall prescribe ; or

(ii) grant written permission to retain such work : but such permission shall not exempt such owner from proceedings for contravening the provisions of clause (*a*) of this sub-section.

Regulation or prohibition of certain kinds of cultivation.

160. The municipal council on the report of the Director of Health, the health officer, or the local medical officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the Government by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious :

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested, for any damage caused to them by absolute prohibition.

Using offensive manure, etc.

161. Whoever, except with the written permission of the municipal council, and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees.

Tethering cattle, etc.

162. (1) Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees.

Keeping swine.

(2) Whoever keeps any swine so as to be a nuisance shall be punished with fine which may extend to ten rupees.

Feeding animals on filth.

163. Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable refuse, filth, or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.

Licensing of goats and pigs.

164. Within such limits as the municipal council may direct, no person shall keep more than five pigs or more than ten goats without a licence from the municipal council. The municipal council may charge an annual fee not exceeding two rupees for such licence and may impose such conditions in respect of such licence as it may think necessary. Whoever keeps any pigs or goats contrary to the provisions of this sub-section shall be punishable with fine which may extend to twenty-five rupees.

Consumption of smoke.

165. (1) It shall be lawful for the municipal council to direct by public notice that every furnace employed, or to be employed, in any works or buildings used for the purpose of any trade or manufacture whatsoever within the limits of the municipality, whether a steam engine be or be not used or employed therein, shall in all cases, be constructed, supplemented or altered so as to consume or burn, or reduce as far may be practicable, the smoke arising from such furnace.

(2) If any person shall, after such direction, use, or permit to be used, any such furnace not so constructed, supplemented, or altered, or shall so negligently use, or permit to be used, any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending, being the owner or occupier of the said works or buildings or, being an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may extend to fifty rupees, and upon any subsequent conviction to five hundred rupees :

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

Licenses to be taken for burning bricks.

166. (1) It shall be lawful for the municipal council to publish by a notification in the Official Gazette that no place within municipal limits shall be used for burning bricks without a license from the municipal council and except in accordance with the conditions specified therein :

Provided that no such notification shall take effect until sixty days from the date of publication.

(2) Any person who, after the publication of such notification, wishes to use such place for such purpose shall apply to the municipal council for license therefor.

(3) The municipal council may by an order and under such restrictions as it thinks fit, grant or refuse to grant such license.

(4) Every such license shall expire on such date as may be specified therein.

(7) *Regulation of Markets, Sale of Food, etc.*

Licensing markets, slaughter-houses and certain businesses.

167. (1) It shall be lawful for the municipal council to direct that no place not belonging to or vested in the municipal council shall be used for any of the purposes specified in sub-clauses (i), (ii), and (iv) to (vi) of clause (*b*) of sub-section (1) of section 51 except under and in accordance with the conditions of a license from the municipal council which may at its discretion from time to time grant, suspend, withhold or withdraw such licenses either generally or in individual cases.

(2) Whoever uses or permits the use of any place contrary to such direction, or without the license required as aforesaid, or in contravention of any of the conditions or during the suspension or after the withdrawal of such license, shall be punished with fine which may extend to twenty-five rupees.

(3) Upon a conviction being obtained in respect of any place under sub-section (2) of this section, the magistrate shall, on the application of the municipal council

but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being so used ; and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.

Opening, closing, and letting of markets and slaughter-houses.

168. (1) The municipal council may from time to time open or close any public market or slaughter-house. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter-house.

(2) Any person who, without the permission or license of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease for a period not exceeding one year at a time by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

Slaughter-houses, etc., beyond municipal limits.

169. It shall be lawful for the municipal council, with the sanction of the Deputy Commissioner, to establish slaughter-houses, or places for the disposal of carcasses of animals, beyond the limits of the municipality, and all provisions of this Act and of by-laws in force thereunder relating to such places within municipal limits shall have full force therein, as if such places were within the municipal limits.

Registry for shops for sale of European drugs.

170. (1) No shop or place shall be kept for the retail sale of drugs recognised by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same is registered in the office of the municipal council within two months after the commencement of this Act or if the shop or place is established after the commencement of this Act then, within two

months from the date of its establishment. Any keeper of such shop or place failing to so register the same shall be liable to a fine not exceeding one hundred rupees. The municipal council, shall, upon payment of such fees as may be prescribed in this behalf, register such shop or place in a book kept for the purpose and grant the keeper of the shop or place a license which shall be displayed in some conspicuous part of the premises registered.

Certificated dispensers.

(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with the duties prescribed in this behalf; and every such person shall be bound to produce his certificate for inspection when required to do so by a magistrate, a medical officer not below the rank of an assistant surgeon or the health officer of the municipality:

Provided that the provisions of this sub-section shall not come into operation in any municipality until after the expiration of a period of six months from the publication of a notification by the Government in the Official Gazette extending the same to such municipality.

(3) Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous systems of medicine whether recognised by the British Pharmacopœia or not, when such drugs are not sold in a shop or place where medicines recognized by such Pharmacopœia are dispensed upon prescription.

Uncertificated person dispensing drugs.

171. (1) Whoever, within a municipality, not being the holder of such certificate as is mentioned in sub-section (2) of section 170 shall compound, mix, prepare or sell any drugs, shall, on conviction before a magistrate, be liable to a fine not exceeding fifty rupees for each offence; and any owner, occupier or keeper of any such shop or place who shall employ any such uncertificated person to perform any one or more of such duties, shall, on conviction before a magistrate, be liable to a fine not exceeding two hundred rupees and shall be further liable at the discretion of such magistrate to forfeit his license.

(2) Whoever, being the holder of such a certificate as is mentioned in sub-section (2) of section 170 fails to produce the same for inspection when called upon to do so by any of the officers mentioned in the said sub-section shall, on conviction before a magistrate, be liable to a fine not exceeding ten rupees :

Provided that this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the Official Gazette by the Government.

Unwholesome articles of food and drink.

172. (1) The president, vice-president or any councillor or officer authorised by the municipal council in this behalf—

(*a*) may at all reasonable times, enter into any place for the purpose of inspecting, and may inspect, any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale, or deposited in, or brought to, any place for the purpose of sale, or of preparation for sale, or may enter into and inspect any place used as a slaughter-house, and may examine anything which may be therein ; and

(*b*) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine, may seize the same.

Any article which is of a perishable nature may, under the orders of the president, vice-president or chairman of the managing committee or of a committee appointed under section 31, to exercise all or any of the powers vested in the municipal council under this sub-chapter, or of the municipal commissioner, if any, if in his opinion it is diseased, unsound, unwholesome or unfit for food, drink or medicine, forthwith be destroyed.

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a magistrate.

If it appears to the magistrate upon sufficient evidence that any such article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the magistrate shall cause such article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink or medicine.

Adulterated articles for food or drink.

(2) If any article intended for food or drink is in any place mentioned in sub-section (1), the president, vice-president, or officer authorised as aforesaid, in case such article appears not to be what it is represented to be, may seize the same, and if it appears to a magistrate upon sufficient evidence that such article is not what it is represented to be, such magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink and the owner not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees.

Explanation.—If such article having been exposed or stored in or brought to any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed to be for the purposes of this sub-section, an article which is not what it is represented to be:

Protection to persons acting in good faith.

Provided that when any article of food or drink referred to in this sub-section appears to the magistrate not to be what it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person

in whose possession the same is found, if such owner or person proves to the satisfaction of the magistrate—

(*a*) that such substance has been added to the article of food or drink, because the same is required for the production or preparation thereof, as an article of commerce, in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or of drink or conceal the inferior quality thereof ; or

(*b*) that in the process of production, preparation or conveyance of such article of food or drink the extraneous substance has unavoidably come intermixed therewith ; or

(*c*) that, by a label distinctly and legibly written or printed on or with the said article of food or drink or by other means of public description, he has given sufficient notice that such substance has been so added ; or

(*d*) that—

(i) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(ii) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(iii) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

(3) It will be open to a municipal council, subject to the approval of the Government, to set apart any stall or specified locality for the sale of ghee and in such stall or specified locality, no ghee shall be sold or exposed for sale that is adulterated with any other substance.

Whoever sells or exposes for sale adulterated ghee in any stall or locality so set apart shall, on conviction before a magistrate be punished with fine which may extend to one hundred rupees and the magistrate may cause such

ghee to be destroyed or to be so disposed of as to prevent its being exposed for sale in such stall or locality.

Application for summons to be refused, if not applied for within reasonable time.

(4) In all prosecutions under this section the magistrate shall refuse to issue a summons for the attendance of any person accused of any offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

False weights and measures and instruments for weighing.

173. The president, vice-president, chief officer and health officer or any councillor or officer authorised by the municipal council in this behalf, may at all reasonable times enter into any place used for the sale of articles used for human food or drink or for medicine, and inspect the instruments for weighing and the weights and measures in use; and if the person in charge be found in possession of any false or defective weights or measures, or of weights or measures or of any instruments for weighing by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) *Prevention of Dangerous Diseases.*

Power which may at any time be exercised.

174. (1) Every municipal council may, subject to such limitations, restrictions and conditions, if any, as may be prescribed in this behalf, exercise all or any of the powers specified in sub-section (2) for prevention of dangerous diseases.

(2) The powers, which may be exercised under the preceding sub-section are :—

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be

supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the municipal council in that behalf ;

(*b*) power to direct or authorise the inspection, without notice, or with such notice as to the person directed or authorised to inspect appears reasonable, of any place in which any dangerous disease is reported or suspected to exist and the taking of measures to prevent the spread of the disease beyond such place ;

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place, which may appear to the municipal council, on the advice of the medical officer, likely to engender or cause the spread of any dangerous disease ;

(*d*) power to direct or cause the removal, on a certificate signed by the health officer of the municipal council or any duly qualified medical practitioner authorised by the municipal council in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, or in a place where his presence may be a danger to the neighbourhood, and who is suffering from a dangerous disease, to any hospital or place at which persons suffering from the said disease are received for medical treatment ; and to prohibit the person so removed from leaving such hospital or place without the permission of the municipal council ;

(*e*) power to require by written notice the owner or occupier of any building, or part of a building, or a person owning or in charge of any article therein, to cleanse or disinfect such building or part thereof or article, either at his own expense, or in case of poverty, or for other cause which the municipal council in the circumstances of the case considers reasonable, at the expense of the municipal council ;

(*f*) power to provide the means, and to prescribe places, for disinfecting or washing, bedding or other articles which have been exposed to infection from any dangerous disease, and to direct the destruction thereof ;

(*g*) power—

(i) to provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease, and

(ii) when such provision is made, to prohibit the conveyance of such persons in all or any public conveyances, and

(iii) to direct that any conveyances, that may at any time be used for conveying any such person shall be immediately disinfected;

(*h*) power to prohibit—

(i) any person suffering from any dangerous disease from wilfully exposing himself, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, dharmasala, theatre, market or other place of public resort, or

(ii) any person in-charge of any person so suffering from so exposing such sufferer;

(*i*) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person prohibited knows, or has reason to believe, has been exposed to infection of any kind whatsoever from any dangerous disease;

(*j*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharmasala, chattram or musafirkana in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the municipal council or of such officer as the municipal council appoints in this behalf;

(*k*) power, with the previous permission in each case of a magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which

there is reason to believe that persons have been suffering from dangerous disease.

(3) The municipal council may, in its discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section, but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience of an order passed in exercise of such powers.

(4) Any person who in a municipality disobeys any order which is for the time being in force therein, and which has been passed by the municipal council in exercise of any power conferred on such municipal council by this section, or obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

Duties of municipal council on threatened or actual outbreak of dangerous disease.

175. (1) In the event of the municipality or any part thereof being at any time threatened or visited with an outbreak of any dangerous disease, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing such outbreak.

(2) In such event as aforesaid the Government may, by special notification, declaring that such municipality is threatened or visited with an outbreak of a dangerous disease, confer on the municipal council all or any of the powers specified in the following sub-section, and such municipal council shall, subject to such limitations, restrictions and conditions, if any, as the Government in the same or in any subsequent notification may prescribe, exercise every such power so conferred on it until the same is withdrawn by means of a like notification.

(3) The powers, all or any of which may be conferred under the preceding sub-section, are—

(*a*) power to order, subject to the conditions,

(i) that the permission of a magistrate exercising not less than second class powers shall be in each case first obtained, and

(ii) that accommodation for all persons to whom the order refers is available, or shall be provided, elsewhere,

the evacuation of an infected building used as a dwelling, or of any part thereof, or of any building so used adjacent to such building, by the person or persons residing, whether habitually or temporarily, therein;

(*b*) power to direct the examination by a medical officer of persons and, if necessary the disinfection of the clothing, bedding or other suspicious articles belonging to persons, either arriving from places outside the municipality or residing in any infected building or building adjacent to any infected building, and to direct that any such person shall give his address and present himself daily for medical examination at such time and places as may be prescribed, for a period not exceeding ten days.

(*c*) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing, of the civil surgeon, or other senior medical officer of the district or other medical officer appointed by the Government in this behalf, such assemblages in such place, in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

(4) The municipal council may, in its discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section; but except as allowed by the municipal council, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penal clauses.

(5) If, in any municipality in which such declaration under sub-section (2), as aforesaid is for the time being in force, any person—

(*a*) knowingly disobeys any order which for the time being is in force in such municipality and which has been passed by the munici-

pal council in exercise of any power conferred on it by section 174 or under this section, or

(*b*) obstructs any officer of the municipal council or other person acting under the authority of the municipal council in carrying out executively any such order,

such person shall be punished with fine which may extend to one thousand rupees.

Withdrawal and modification of powers and orders.

176. (1) The Government may at any time—

(*a*) withdraw any power conferred by or under sections 174 and 175;

(*b*) cancel or modify any limitation, restriction or condition prescribed in respect of any such power; or

(*c*) cancel any order passed by a municipal council in exercise of any such power.

(2) Every order passed by a municipal council in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipality.

Duties of municipal council in respect of disease among horses, dogs, cattle, sheep or goats.

177. If in any municipality any infectious disease amongst horses, dogs, cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the municipal council shall take all such measures as it deems necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

Proceedings to abate the overcrowding of the interiors of buildings.

178. (1) Whenever the municipal council considers the interior of a building is so overcrowded as to be or to be likely to become dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the municipal council may cause proceedings to be taken before a magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Procedure of magistrate.

(2) Such magistrate may, on the production of a certificate by a medical [1][or health] officer stating his

1. Added by Act XXI of 1939.

opinion that the overcrowding complained of is likely to cause disease or risk of disease, and after such further enquiry, if any, as may appear to such magistrate necessary, require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the said building shall have been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purpose of this sub-section, be deemed to be the owner of the building.

(4) It shall be incumbent on any owner to whom a requisition is issued under sub-section (2), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(5) Any owner who, after the date specified in any requisition issued under sub-section (2), permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (4), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

Special powers which may be conferred by Government in respect of overcrowded areas notified by Government.

179. (1) If the Government is of opinion that risk of disease has arisen or is likely to arise, either to any occupier in, or to any inhabitants in the neighbourhood of, any area by reason of any of the following defects, namely—

(*a*) the manner in which either buildings, or blocks of buildings, already existing or projected therein are, or are likely to become, crowded together, or

(*b*) the impracticability of cleansing any such buildings, or blocks of buildings already existing or projected, or

(*c*) the want of drainage or scavenging, or the difficulty of arranging therein, for the drainage or scavenging of any such buildings or blocks or area as aforesaid, or

(*d*) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings,

the Government may by notification confer on the municipal council, to which such area is subject, all or any of the powers specified in sub-section (2) and the municipal council may, subject to the limitations, restrictions, modifications, conditions or regulations, if any, prescribed in this behalf, exercise within that area all powers so conferred, unless and until those powers are withdrawn by a subsequent notification of the Government.

(2) The powers, all or any of which may be conferred on a municipal council under sub-section (1), are as follows :—

(*a*) power, when any building or block, already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the municipal council likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed as the municipal council deems fit either to the owners thereof or to the owners of the land on which such building or block is erected or is in course of erection, that the persons so addressed shall within a reasonable time as shall be specified in the notice, either pull down or remove the said building or block, or execute such works or take such action in connection therewith as the municipal council deems necessary to prevent all such risk of disease ;

(*b*) power by municipal or other agency, to pull down or remove the said building or block, or to execute such works or take such action, if the persons addressed in the said notice neglect so to do within the time specified therein ;

(*c*) power, subject to a right of appeal to an officer who may be empowered by the Government in this behalf and whose decision shall be conclusive, to prohibit by written notice addressed to the owner and occupier of any such site or space and by general notice published in the manner provided in sub-section (3) of section 185, the erection of any building or of any building exceeding such dimensions as may be specified ;

(i) on the site of any building which has in whole or in part in exercise of the power specified in clause (*a*) been pulled down, or

(ii) on any space not occupied by buildings whether such space is private property or not, and whether it is enclosed or not,

if the municipal council considers that in order to prevent such risk as aforesaid such site or space should not be built upon and either,

(*a*) to acquire such site or space, or

(*b*) to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof :

Provided that in every case compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 191 shall be paid to any person whose rights are affected by such prohibition.

(3) When in pursuance of any notice under sub-section (2), any building has been pulled down, the municipal council shall, unless it has been erected contrary to any provision of this Act or of any by-law in

force thereunder, pay to such owner or occupier as may have sustained damage thereby, reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section 191.

Closing places for disposal of the dead.

180. (1) If the municipal council be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, it may submit its opinion with the reasons therefor to the Government, and the Government thereupon, after such further enquiry, if any, as it shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the said notification.

(2) A copy of the said notification together with a translation thereof in Kannada shall be published in the official Gazette, and shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) *Nuisances from certain trades and occupations.*

Regulation of certain trades.

181. (1) If it be shown to the satisfaction of the municipal council that any building or place used or intended by any person to be used—

(*a*) for boiling or storing offal, blood, bones or rags;

(*b*) for salting, curing and storing fish ;

(*c*) for storing hides, horns or skins ;

(*d*) for tanning ;

(*e*) for the manufacture of leather or leather goods ;

(*f*) for dyeing ;

(*g*) for melting tallow or sulphur ;

(*h*) for washing or drying wool or hair ;

(*i*) as a brick, pottery or lime kiln ;

(*j*) for soap-making ;

(*k*) for oil-boiling;

(*l*) as a manufactory of sago;

(*m*) as a distillery;

(*n*) for storing hay, straw, fodder, wood, coal or other combustible material;

(*o*) as a quarry;

(*p*) as a cart-stand;

(*q*) for storing grain for trade purposes;

(*r*) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells, fumes or soot or dust arise, or which may involve risk of fire;

is or is likely by reason of such use and of its situation to become a nuisance to the neighbourhood, or is so used or is so situated as to be likely to be dangerous to life, health or property, the municipal council may by written notice require the owner or occupier—

(i) at once to discontinue the use of, or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such place, or

(ii) to use it in such manner, or after such structural alterations, as the municipal council in such notice prescribes, so that it may not become or may be no longer, a nuisance or dangerous.

Liability to penalty after notice.

(2) Whoever, after notice has been given under sub-section (1), uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health or property shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction.

(3) Upon a conviction being obtained under this section the magistrate shall, on the application of the municipal council, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other

steps to prevent such place being used for any purpose mentioned in sub-section (1).

Penalty for unlicensed places in a municipality in which by-laws under section 51 (1) (*b*) (iii) are in force.

(4) Whoever uses without a license, or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in sub-section (1) in any municipality in which by-laws are for the time being in force prescribing the conditions on and subject to which, the circumstances in which and the areas and localities in respect of which, licenses for such use may be granted, refused, suspended and withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Factories in crowded localities.

182. (1) In any municipality to which by a notification in the official Gazette this section is made to apply by the Government, no person shall establish in any premises, any factory as defined in the Mysore Factories Act, 1914, without the previous written permission of the municipal council.

(2) The municipal council may refuse to give such permission if it be of opinion that the establishment of such factory in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any by-laws framed in this behalf.

(3) Whoever establishes in any premises, any factory as aforesaid without or after the refusal of such permission, or in contravention of the terms of any by-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees.

Use of siren or whistle for summoning or dismissing workmen.

183. (1) No person shall use or employ in any factory, or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the municipal council.

(2) The municipal council may grant such license subject to such conditions as it may deem fit and may at

any time withdraw such license on giving one month's notice to the licensee :

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without or in contravention of any of the conditions of or after the withdrawal of such license, shall be punished with fine which may extend to fifty rupees.

Brothels.

184. In any municipality to which, on the application of the municipal council, the Government may by notification have declared this section to apply, any magistrate of the first class on receiving information that a house within the limits of such municipality is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it and if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used :

Provided that action under this section shall be taken only—

(*a*) with the sanction or by the order of the District Magistrate, or

(*b*) on the complaint of three or more inhabitants of the municipality residing in the vicinity of the house to which the complaint refers.

(10) *Service of notices and penalties on non-compliance therewith.*

Service of notices, etc., addressed to individuals.

185. (1) The service of every notice, and the presentation of every bill under this Act, on any person or to any person to whom it is by name addressed shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the municipal council in this behalf—

(*a*) by giving or tendering the notice or bill to the person to whom it is addressed ; or

(*b*) if such person is not found, by leaving the notice or bill at his last known place of abode with, or by giving or tendering the notice or bill to, some adult male member or servant of his family ; or

(*c*) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address ; or

(*d*) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Service of notices, etc., on owners and occupiers of buildings and lands.

(2) When any notice or bill under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either—

(*a*) by giving or tendering the notice or bill to the owner or occupier, or if there be more owners or occupiers than one, to any one of them ; or

(*b*) if no such owner or occupier be found, then by giving or tendering the notice or bill to some male adult member or servant of the family of any such owner or occupier as aforesaid ; or

(*c*) if none of the means aforesaid be available, then by causing the notice or bill to be fixed on some conspicuous part of the building or land to which the same relates.

Public and general notices how to be published.

(3) Every notice which this Act requires or empowers a municipal council to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such

conspicuous part of the municipal office during such period, and in such other public buildings and places, or is published in such local paper or in such other manner, as the municipal council in by-laws in this behalf prescribes.

Defective form not to invalidate notice or bill. Execution of act required to be done by any notice.

(4) No notice or bill shall be invalid for defect of form.

(5) When any notice under this chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(6) In the event of non-compliance with the terms of the notice it shall be lawful for the municipal council to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the municipal council shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 192.

Punishment for disobedience to orders and notices not punishable under any other section.

186. Whoever disobeys or fails to comply, with any lawful direction given by any written notice issued by a municipal council under any power conferred by this chapter, or fails to comply with the conditions subject to which any permission was given to him by the municipal council under any power so conferred shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction :

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the magistrate to determine whether the time so fixed was reasonable time within the meaning of this Act.

Municipal council in default of owner or occupier may execute work and recover expense.

187. (1) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the municipal council, whether any penalty is or is not provided for such default, may cause such work to be executed ; and the expenses thereby

incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as the municipal council may deem fit.

Provided that—

Agreement for construction of drainage and water-connections.

(*a*) Whenever any drainage scheme or water works scheme has been commenced by any municipal council, it shall be lawful for the municipal council, without prejudice to its powers under sub-section (1) or section 121 or any other provision of this Act, to make a special agreement with the owner of any building or land as to the manner in which the drainage or water-connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the municipal council shall render, and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement, or in default, in the manner described in sub-sections (2) and (3):

Provided also that—

Improvement expenses.

(*b*) when an order has been passed under sub-section (1) of section 105, sub-section (1) of section 107, sub-section (2) or (7) of section 115 or under sections 119, 121, 127 or 128, or when permission has been given under section 122 or when an agreement has been made under proviso (*a*) of this sub-section, the municipal council may without prejudice to any other powers under this Act, if it thinks fit, declare any expenses incurred as aforesaid by the municipal council to be improvement expenses. Improvement expenses shall be a charge upon the premises or land, and shall be levied in such instalments as the municipal council decides, including interest at the rate of six per cent per annum, and shall be recoverable in the manner described in sub-sections (2) and (3).

Power to levy charges on occupier, who may deduct the same from his rent.

(2) If the defaulter be the owner of the building or land, the municipal council may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or any time thereafter,

occupies the building or land under such owner ; and in default of payment thereof by such occupier on demand the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII ; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than the amount of rent due.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expense charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the municipal council, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable ; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier.

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

188. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the municipal council, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings if any, occupier opposes the execution of the Act.

189. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to carry them into effect

has been given by the owner to such occupier, any magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall for every day during which he so continues to refuse be punished with fine which may extend to fifty rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(11) *Miscellaneous.*

Entry for purposes of the Act.

190. It shall be lawful for the president, vice-president, chief officer, or any officer authorised by the municipal council for such purpose, to enter, for any purpose of this Act, between sunrise and sunset, with such assistants as he may deem necessary, into and upon any building or land:

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier:

Provided also that, in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Arbitration in case of compensation, etc.

191. (1) If an agreement is not arrived at with respect to any compensation or damages, which are by this Act directed to be paid, the amount and if necessary, the apportionment of the same shall be ascertained and determined by a panchayet of five persons of whom two shall be appointed by the municipal council, two by the party to or from whom compensation or damages may

be payable or recoverable, and one, who shall be presiding member shall be selected by the members already appointed as above.

(2) If either party or both parties, fail to appoint members or if the members fail to select a presiding member within one month from the date of either party receiving written notice from the other of claim to such compensation or damages, such members as may be necessary to constitute the panchayet shall be appointed, at the instance of either party, by the District Judge.

(3) In the event of the panchayet not giving a decision within one month from the date of the selection of the presiding member, or of the appointment by the district court of such members as may be necessary to constitute the panchayet, the matter shall, on application by either party, be determined by the district court which shall, in cases in which the compensation is claimed in respect of land, follow as far as may be, the procedure provided by the Land Acquisition Act, 1894, for proceedings in matters referred for the determination of the court :

Provided that

(*a*) no application to the Deputy Commissioner for a reference shall be necessary, and

(*b*) the court shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit.

(4) In any case where the compensation is claimed in respect of land and the panchayet has given a decision, either party, if dissatisfied with the decision—

(*a*) on the ground of corruption or misconduct of the panchayet, or

(*b*) on the ground of either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the panchayet, or

(*c*) on the ground of the award having been made after the issue of an order of the court superseding the

arbitration and proceeding with the suit or after the expiration of the period allowed by the court, or being otherwise invalid,

may, within a month of the date thereof, apply to the district court, and the matter shall be determined by the district court in accordance with the provisions of sub-section (3).

(5) In any case where the compensation is claimed in respect of any land or building, the municipal council may, after the award has been made by the panchayet or the district court, as the case may be, take possession of the land or building, after paying the amount or the compensation determined by the panchayet or the district court to the party to whom such compensation may be payable. If such party refuses to accept such compensation, or if there is no person competent to alienate the land or building, or if there is any dispute as to the title to the compensation or as to the apportionment of it, the municipal council shall deposit the amount of the compensation in the district court.

Costs or expenses how determined and recovered.

192. If a dispute arises with respect to any costs or expenses which are directed to be paid, by any person under this chapter, the amount, and if necessary, the apportionment of the same shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

CHAPTER X.

Prosecutions, Suits and Powers of Police.

Municipal council may prosecute.

193. (1) The municipal council may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or of any rule or by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund :

Provided that no prosecution for an offence under this Act or rule or by-law framed thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of magistrate.

(2) Any prosecution under this Act or under any rules or by-laws thereunder may, save as therein otherwise provided, be instituted before any magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule or by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Power to compound offences.

194. A municipal council may—

(*a*) compromise with any person who, in the opinion of the municipal council, has committed an offence punishable under this Act or any by-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

(*b*) withdraw from prosecutions instituted under this Act or under any by-law made thereunder;

(*c*) compound any offence against this Act or against any by-law made thereunder which may by rules made by the Government be declared compoundable;

Provided that the Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

Limitation for distraint, etc.

195. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the municipal council under this Act after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.

Distress lawful though defective in form.

196. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same to be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any court of competent jurisdiction.

Damage to municipal property how made good.

197. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of the municipal council shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand, the same shall be levied by distress, and such magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

198. In lieu of any process of recovery allowed by or under this Act, or in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages payable under this Act, it shall be lawful for a municipal council to sue in any court of competent jurisdiction the person liable to pay the same.

Power of compromise.

199. (1) The municipal council may compound or compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The municipal council may make compensation out of the municipal fund to any person sustaining

any damage by reason of the exercise of any of the powers vested in it, its officers, and servants under this Act.

(3) The municipal fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the municipal council.

Assistance for the recovery of rent on land.

200. For the purpose of the recovery of any amount due on account of rent from any person to a municipal council in respect of any land vested in such municipal council, the municipal council shall be deemed to be a superior holder, and every such person an inferior holder, of such land, within the meaning of sections 97 and 98 of the Mysore Land Revenue Code, 1888, and the municipal council, as superior holder, shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections superior holders are entitled for the recovery of rent or land revenue payable to them by inferior holders.

Limitation of suits, etc.

201. (1) No suit shall be instituted against any municipal council, president, councillor, officer, servant, or any person acting under the direction of such municipal council, president, councillor, officer or servant for anything done or purporting to be done under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a municipal council delivered or left at its office, and, in case of a president, councillor, officer or servant, or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be dismissed if it is not instituted within six months after the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Power of police officers.

202. (1) Any police officer may arrest any person committing in his view any offence against any of the

provisions of this Act, or of any rule or by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained:

Provided that no person arrested shall be detained without the order of a magistrate longer than shall be necessary for bringing him before a magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all police officers to give immediate information to the municipal council of the commission of any offence against the provisions of this Act, or of any rule or by-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

Municipal Accounts and Administration Reports.

Prohibition of expenditure not budgeted for.

203. Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, provided that the following items shall be excepted from this prohibition, namely:—

(*a*) refunds of taxes and other moneys which the municipal council is authorised by the Act, or the rules made thereunder to make;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(*c*) sums which the municipal council is required or empowered by this Act to pay by way of compensation;

(*d*) every sum payable—

(i) under section 219 by order of the Deputy Commissioner and under sections 220, 221, 222, 224, and 227 by order of the Government,

(ii) under a decree or order of a civil court passed against the municipal council,

(iii) under a compromise of any suit or other legal proceeding or claim;

(*e*) expenses incurred in the exercise of powers conferred by sections 59(*a*), 174, 175 and 177;

(*f*) all contributions payable by the municipal council to the Government for the maintenance of water-supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or local authorities.

Presentation of accounts.

204. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and at a general meeting which shall be held between the first day of February and the first day of April a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following, together with a budget estimate of the income and expenditure of the municipal council for the official year to commence on the first day of July next following.

Budget estimates.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the municipal council shall be sent to the Government before such date as may be fixed by the Government.

(3) In such budget estimate, the municipal council shall, among other things—

(*a*) make adequate and suitable provisions for such service as may be required for the fulfilment of the several duties imposed on the municipal council by this Act or any other law;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the

municipal council may be liable in respect of loans contracted by it;

(*c*) provide for the payments of all sums payable to the Government under sections 220 and 221 and of all contributions for the maintenance of water-supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality.

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

Revision of budget

205. If, in the course of the official year, the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government—

(*a*) no reduction shall be made in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 204; and

(*b*) the closing balance shall not be reduced below the sum fixed under clause (*d*) of sub-section (3) of section 204.

Maintenance of accounts and restrictions on expenditure.

206. (1) Accounts of the income and expenditure of the municipal fund shall be kept in accordance with the rules prescribed in this behalf.

(2) Expenditure from the municipal fund shall, save as otherwise expressly provided for in this Act, be incurred subject to the restrictions, conditions and limitations imposed in the rules prescribed in this behalf.

(3) The municipal council shall, at the general meeting in July or after audit of the past official year's

accounts, if such audit has not before that general meeting taken place, pass the accounts of the past official year.

Audit of accounts.

207. (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by an auditor appointed by the Government and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

(2) The auditor or auditors shall for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon and in the case of a Government auditor such charges as may be prescribed by the Government.

Powers of Government auditor.

208. The Government auditor may—

(*a*) by written requisition require the production before him of any document which he may consider necessary for the proper conduct of his audit;

(*b*) by written requisition require any person accountable for, or having the custody or control of, any such document to appear in person before him; and

(*c*) require any person so appearing before him to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

Duties of Government auditor.

209. (1) The Government auditor shall—

(*a*) as soon as may be after the completion of the audit, deliver to the municipal council a report upon the audit of the municipal accounts;

(*b*) report to the municipal council and to the Deputy Commissioner any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the municipal council or in the municipal accounts; and

(*c*) report to the municipal council and to the Deputy Commissioner any loss or waste of money or other property owned by or vested in the municipal council caused by neglect or misconduct, with the names of persons directly or indirectly responsible for such loss or waste.

(2) The municipal council shall forthwith remedy any defects or irregularities that may be pointed out by the auditor. Municipal council to remedy defects.

210. (1) The Government auditor shall disallow every item contrary to law and report the same to the Deputy Commissioner with particulars as regards the person making, or authorising the making of, the illegal payment. Disallowance by Government auditor and order by Deputy Commissioner.

(2) The Deputy Commissioner may, on the report of auditor or on his own motion, pass an order charging any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person after affording him an opportunity to explain and shall, in every such case, certify the amount due from such person.

(3) The Deputy Commissioner shall state in writing the reasons for his decision in respect of every charge and furnish a copy thereof to the person against whom it is made.

211. Any person aggrieved by the order of the Deputy Commissioner under the last preceding section may, within one month after he has received or been served with the decision of the Deputy Commissioner, either apply to the principal civil court of original jurisdiction to set aside such charge and the court, in such case after taking such evidence as is necessary, may confirm, modify or remit such charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application the person so aggrieved may, within the like period appeal to the Government who shall pass such orders as it thinks fit. Appeal from order of Deputy Commissioner.

212. Every sum certified to be due from any person by the Deputy Commissioner under this Act shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Recovery of amounts disallowed.

Government shall declare to be due, shall be recoverable by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.

Transmission of accounts to Government.

213. The municipal council shall, as soon as the annual accounts have been finally passed by it, transmit to the Government, or any officer duly authorised by it in this behalf, a copy thereof, or an account in the form prescribed in this behalf and shall furnish such details and vouchers relating to the same as the Government or such officer may from time to time direct.

Publication of accounts.

214. The quarterly and annual accounts of receipts and expenditure, and the budget when sanctioned, shall be open to public inspection, and shall be published in such manner as the municipal council may prescribe in this behalf.

Annual administration report.

215. (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Government, a report on the administration during the preceding official year in such form and with such details as the Government may direct.

(2) In a municipality for which there is a municipal commissioner, the municipal commissioner and in other municipalities the president shall prepare the report and place it before the municipal council for consideration and forward it to the Government with the resolution of the municipal council thereon.

(3) The report may be published in such manner as the municipal council, subject to the approval of the Government, may direct.

CHAPTER XII.

CONTROL.

Powers of inspection and supervision.

216. The Deputy Commissioner or any officer of the Government authorised by the Government by a general or special order shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any municipal council or any institution under its control

or management, or any work in progress under it or under its direction ;

(*b*) to call for any extract from the proceedings of any municipal council or of any committee, or for any book or document in the possession of or under the control of a municipal council, and any return, statement, account, or report which he may think fit to require such municipal council to furnish ;

(*c*) to require a municipal council to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipal council, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipal council, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

Power to inspect the office of municipal council.

217. (1) The Government or any officer authorised by the Government in this behalf shall have power to inspect the office of any municipal council and call for the records of any such municipal council.

(2) The officer authorised under sub-section (1) shall submit the records for the orders of Government, if he is satisfied that the order or proceeding of the municipal council or its executive is contrary to law or orders for the time being in force.

Deputy Commissioner's power of suspending execution of orders, etc., of municipal councils.

218. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a municipal council, or the doing of anything which is about to be done or is being done by or on behalf of a municipal council, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Deputy Commissioner's order to be reported to Government who may confirm or modify it.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government and to the municipal council affected thereby a copy of the order, with a statement of the reasons for making it ; and it shall be in the discretion of the Government to rescind the order, or to direct that it continue in

force with or without modification, permanently or for such period as it thinks fit :

Provided that no order of the Deputy Commissioner passed under this section shall be confirmed, revised or modified by the Government without giving the municipal council reasonable opportunity of showing cause against the said order.

Extraordinary powers of Deputy Commissioner in case of emergency.

219. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal council is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the municipal council.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing any person, who, for the time being, has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(3) The provisions of sub-section (2) of section 218 shall apply, so far as may be, to any order made under this section.

Agency for execution of public works.

220. (1) The Government, after consulting the municipal council, may direct that such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may specify.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under

the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Special provision in regard to works executed by the Government.

221. (1) Notwithstanding anything contained in this Act, it shall be lawful for the Government at any time after consulting the municipal council—

(*a*) to construct any work or works of a permanent nature which, in the opinion of the Government, is or are necessary or desirable for the health or safety of the inhabitants, whether within any municipality or without it wholly or in part;

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part, to the municipal council, or to resume the same from the municipal council;

(*c*) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Act.

(2) It shall be the duty of any person who for the time being has custody of any moneys on behalf of the municipal council, to pay, from such moneys as he may have in his hands or may from time to time receive, all amounts directed by the Government to be paid by the municipal council under clause (*c*) of the preceding sub-section.

(3) The provisions of this section shall be deemed to apply with retrospective effect in respect of the works heretofore carried out at the expense of Government for the water-supply of the cities of Bangalore and Mysore.

Government inquiry into municipal matters.

222. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any municipal area or any matters with respect to which its sanction, approval or consent is required under this Act.

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses and requiring the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournments,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination of witnesses

and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding six per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

(*Chapter XII—Control*)

Power of Government to prevent extravagance in the employment of establishment.

223. (1) If in the opinion of the Government the number of persons who are employed by a municipal council as officers or servants or whom a municipal council proposes to employ, or the remuneration assigned by the municipal council to those persons, or to any particular person, is excessive, the municipal council shall, on the requirement of the Government, reduce the number of the said persons or the remuneration of the said person or persons.

(2) It shall be lawful for the Government—

Government may require any municipal council to appoint a health officer, or an engineer.

(i) to require, if in its opinion at any time such an appointment is necessary, the appointment of a health officer, or of an engineer or both to be made by any municipal council;

(ii) to make in its discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such municipal council, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the municipal council;

(iii) to require that any person appointed to be a chief officer or a municipal commissioner shall be invested by any such municipal council with all or any of the powers which can, under this Act or under any rules in force at the time, be lawfully delegated to him, in addition to such powers as are conferred on him by section 236 or by Chapter XIV, as the case may be;

(iv) to require that all or any of the powers referred to in section 174 or in section 175 (if the conditions under which that section comes into operation exist), shall be delegated by any such municipal council, whether there be a chief officer or not, to the president, vice-president or any such councillor as the Government may deem fit.

(3) Any requisition issued to the municipal council under clause (i), (iii) or (iv) of sub-section (2) above

shall be complied with within such time as the Government may in each case, prescribe in that behalf.

Power of Government to provide for performance of duties, in default of municipal council.

224. (1) When the Government is informed, on complaint made or otherwise, that a municipal council has made default in performing any duty imposed on it by or under this Act, or by or under any enactment for the time being in force, the Government, if satisfied after due inquiry that the municipal council has been guilty of the alleged default, may fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipal council.

(3) If the expense and remuneration are not so paid, the Government may make an order directing any person, who for the time being has custody of any moneys on behalf of the municipal council, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

Power of Government to direct person in custody of municipal fund to pay Government dues.

225. If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

226. (1) If after such enquiry as the Government may consider necessary, the Government is of opinion that any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the Official Gazette, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and

may dissolve such municipal council or supersede it for a period to be specified in the order.

Consequences of exercise of such power.

(2) When the municipal council is so dissolved or superseded, the following consequences shall ensue :—

(a) all councillors of the municipal council shall, in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession, vacate their offices as such councillors ;

(*b*) all powers and duties of the municipal council shall during the period between dissolution and reconstitution or of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(*c*) all property vested in the municipal council shall, during the period between dissolution and reconstitution or of supersession, vest in the Government.

(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(i) in the case of dissolution, on the date specified in the order, or

(ii) in the case of supersession on the date specified in the order under sub-section (1) or sub-section (4) as the case may be.

Power after enquiry to continue period of supersession.

(4) If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

Disputes between a city municipal council and one or more other local authorities.

227. (1) If any dispute for the decision of which this Act does not otherwise provide exists between a city municipal council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Act and the dispute is not amicably settled the matter shall be referred to the Government who may take cognizance of the dispute and decide it ; and the decision of the Government shall be final.

(2) No suit shall be entertained by a civil court in respect of any dispute referred to in sub-section (1).

Power of Government to make rules and orders.

228. (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Act and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(*a*) with reference to all matters expressly required or allowed by this Act to be prescribed;

(*b*) (i) for fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected:

(ii) for prescribing the qualifications [1] of candidates;

(iii) for preparing and revising the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received; [1]

(iv) for determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie;

(v) for prescribing the date, subject to the provisions of sub-section (1) of section 11 for the publication of the municipal election roll;

(vi) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited;

1. Certain words omitted by Act XXXVI of 1951.

(*c*) for the regulation of all or any of the matters specified in clauses (*b*), (*c*), (*e*), (*f*) and (*g*) of section 49 ;

(*d*) the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or while having served under a municipal council has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipal council ;

(*e*) for regulating the period of service of all officers and servants and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities, or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities, or compassionate allowances ; and for prescribing the conditions under which any gratuities, or compassionate allowances may be paid to the surviving relations on the death of any such officers or servants ;

(*f*) prescribing the limitations, restrictions, modifications, conditions or regulations subject to which any municipal council shall exercise the powers conferred under section 179 shall be exercised and prescribing a fine not exceeding five hundred rupees for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach, of an order made or conditions imposed by any municipal council in exercise of the powers conferred upon it under the said section or in pursuance of the rules prescribed in that behalf ;

(*g*) as to the conditions under which ratepayers may appear before the Government auditor, inspect books and vouchers and take exception to items entered in the accounts or omitted therefrom ;

(*h*) for the proper management and maintenance of any work constructed under section 221 and for the regulation of all matters and things connected therewith ;

(*i*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the municipal fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned ;

(*j*) as to the transfer to municipal councils the management of any institution not otherwise provided for by this Act ;

(*k*) for submission of returns, statements and reports and the preparation, submission and sanction of the annual estimates of receipts and expenditure and the administration reports ;

(*l*) for the regulation of all matters connected with the grant of permission under section 116 ;

(*m*) for prescribing punishment not exceeding five hundred rupees for breach of any rule and also a further fine which may extend to twenty-five rupees for every day on which such breach continues after the date of conviction or any subsequent date as may be fixed by the magistrate.

(3) A rule may be general for all municipalities, or for all municipalities not expressly exempted from its operation, or may be special for the whole or any part of any one or more municipalities, as the Government may direct.

(4) The power of Government to make rules under this Act shall be subject to the condition of previous publication. All rules made by the Government under this Act shall be published in the Official Gazette both in English and Kannada and shall thereupon have effect as if enacted in this Act.

Power of Government to cancel or modify by-laws and rules of municipal councils.

229. (1) The Government may, at any time, by notification in the Official Gazette repeal wholly or in part or modify any rule or by-law made by any municipal council :

Provided that before taking any action under this sub-section the Government shall communicate to the municipal council the grounds on which it proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider the explanation and objections, if any, of the municipal council.

(2) The repeal or modification of any rule or by-law shall take effect from the date of publication of the

notification in the Official Gazette, if no date is therein specified, and shall not affect anything done, omitted or suffered before such date.

Powers of Government and of the Deputy Commissioners over subordinates.

230. In all matters connected with this Act, the Government and each Deputy Commissioner shall, respectively, have and exercise the same authority and control over the Deputy Commissioners and their subordinates, as it or he has and exercises over them in the general and revenue administration.

Powers of officers acting for, or in default of, municipal council and liability of municipal fund.

231. When the Deputy Commissioner or any officer of the Government or any person appointed by him or the Government lawfully takes action on behalf or in default of the municipal council under this Act, he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Act as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

Restriction on the powers of the Deputy Commissioner.

232. The Deputy Commissioner shall not exercise the powers conferred on him under sections 216, 218 and 219 except under the special orders of the Government.

Power of Government to transfer Municipal Employees.

[1][**232-A.** (1) Notwithstanding anything contained in this Act, the Government shall have power to transfer any officer or servant of a Municipality to the service of any other Municipality or of any District Board constituted under [2] the Mysore District Boards Act, 1926, or of any Government Department.

(2) The Government shall have power to issue such general or special directions as it may think necessary for the purpose of giving due effect to transfers made under sub-section (1).

Delegation of powers.

232-B. The Government may delegate all or any of its powers under this Act to any officer subordinate to it.]

1. Inserted by Act I of 1938.
2. Repealed and re-enacted as Mysore Act IV of 1952.

(*Chapter XIII—Appointment and powers of Chief and other Municipal Officers*)

CHAPTER XIII.

APPOINTMENT AND POWERS OF CHIEF AND OTHER MUNICIPAL OFFICERS.

Appointment of Chief Officer.

233. (1) Any municipal council may and when required by the Government by an order in this behalf shall within such time as may be fixed therein, appoint a chief officer for the municipality.

(2) The appointment of a person as chief officer shall be subject to the approval of the Government.

(3) No such officer shall, save with previous approval of the Government, be removable from office, reduced, or suspended unless—

(*a*) by a resolution of the municipal council at a general meeting passed by a majority of not less than two-thirds of the whole number of councillors, or

(*b*) by resolutions of the municipal council at two general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other passed by a majority of not less than one-half of the whole number of councillors.

(4) It shall be in the discretion of the Government to make an order vetoing the continuance in the office of chief officer of any person appointed thereto and the tenure of such office by such person, shall cease and determine on and from the date on which such order is communicated to the municipal council.

(5) When a chief officer shall have been appointed, all other officers and servants employed by the municipal council, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

Appointment of Health Officer and Engineer.

234. (1) Any municipal council may, with the sanction of the Government, appoint a Health Officer and an Engineer or any one or more of such officers, whether temporarily or permanently.

(2) No such officer shall, save with the previous sanction of the Government, be removable from office, reduced or suspended, unless by the votes of at least two-thirds of the whole number of councillors.

(*Chapter XIII—Appointment and powers of Chief and other Municipal Officers*)

[1][234-A. Notwithstanding anything contained in this Act— Power of Government to assume powers of appointment by notification.

(*a*) the Government may, by notification, take power to appoint the Chief Officer, the Health Officer or the Engineer in the case of any Municipal Council;

(*b*) the Government may, at any time, withdraw any such Chief Officer, Health Officer or Engineer and appoint another in his place; and

(*c*) the Government shall have power to regulate the methods of recruitment conditions of service, pay and allowances and discipline and conduct of Chief Officers, Health Officers and Engineers appointed under clause (*a*).

234-B. So long as a notification under clause (*a*) of section 234-A is in force, the Municipal Council in respect of which such notification is made, shall cease to exercise the powers of appointment under sections 233 and 234 of this Act.] Municipal Council to cease exercising powers of appointment in certain case.

235. The chief officer shall— Duties of chief officer.

(*a*) subject to the general control of the president, perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under this Act;

(*b*) subject to the orders of the president, or of the managing committee or of the municipal council, as the case may be, take prompt steps to remove any irregularity pointed out by the auditors;

(*c*) report to the president, the managing committee and the municipal council all cases of fraud, embezzlement, theft or loss of municipal money or property;

(*d*) supply any return, statement, account or report or a copy of any document in his charge called for by the municipal council or the managing committee and shall comply with any orders passed by the municipal council or the managing committee thereon; and

(*e*) subject to the control of the president, perform and exercise the duties and powers of the president specified in clauses (*b*), (*f*) and (*g*) of sub-section (1) of

1. Inserted by Act III of 1938.

section 24 and in clause (*e*) of the same sub-section in regard to officers and servants of the municipal council subordinate to the chief officer.

Powers of chief officers.

236. The chief officer shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the municipal council under the provisions of this Act—

(*a*) he shall have power, subject to the provisions of this Act and of the by-laws for the time being in force thereunder, to grant, give and issue under his signature all licenses and permissions which may be granted or given by a municipal council under this Act, other than licenses for markets or slaughter-houses ;

(*b*) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any license in any case in which he is empowered as aforesaid to grant or give a license, and in which the municipal council may under the provisions aforesaid suspend, withhold or withdraw such license ;

(*c*) he shall receive and recover and credit to the municipal fund all fees payable for licenses and permissions granted or given by him under the powers aforesaid ;

(*d*) he may, subject to the control of the president and to the provisions of section 41—

(i) enter on behalf of the municipal council into contracts which do not involve an expenditure of over fifty rupees ; and

(ii) invite, on behalf of the municipal council and by public notice, tenders for the execution of any approved work or for the supply of any materials or goods required by the municipal council ; and

(*e*) he may make such requisitions, by written notice give such written consent or premission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a municipal council under any provisions contained in —

section 78,
section 82, sub-sections (2) and (3),
section 88,

(*Chapter XIII—Appointment and powers of Chief and other Municipal Officers*)

section 92, sub-sections (3), (4) and (5),
section 94, proviso to sub-section (2),
section 95,
section 96,
section 97,
section 99,
section 101, sub-section (3),
section 107, sub-section (2),
section 113,
section 115, sub-sections (2), (3) and clause (*a*) of sub-section (6),
section 117,
section 119,
section 122,
section 131, sub-section (1),
section 132,
section 136,
section 137,
section 139,
section 140,
section 141,
section 142,
section 143,
section 144,
section 145,
section 146,
section 147,
section 148,
section 149,
section 150,
section 151,
section 153,
section 154, sub-section (1),
section 155,
section 156,
section 158,
section 161,
section 167, sub-section (3),
section 172,
section 173,
section 174, sub-section (2),
section 185 and
section 186.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

Chief officer's powers of appointment and punishment.

237. The chief officer shall have, independently of such powers as may be delegated to him by the municipal council in this behalf, power—

(a) to appoint—

(i) without the previous sanction of the municipal council, to any post the monthly salary for which does not exceed fifteen rupees, and

(ii) with such previous sanction, in each case, any post under the municipal council other than that of the health officer, engineer or chief accountant, and

(b) to fine, reduce, suspend or dismiss any municipal servant whose salary does not exceed fifteen rupees, and, subject to the provisions of the rules for the time being in force, any other municipal officer or servant not being the health officer, engineer, or chief accountant, provided that his order in respect of any punishment shall be subject to an appeal to the municipal council.

Chief Officer may make explanations at meetings.

238. The chief officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the municipal council or of any committee, make an explanation, in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting.

CHAPTER XIV.

Municipal Commissioner, His Powers and Duties.

Appointment of municipal commissioner.

239. (1) Notwithstanding anything contained in chapter XIII, the Government may appoint a municipal commissioner for any city municipality.

(2) On the appointment of a municipal commissioner, the appointment of chief officer, if any, shall forthwith terminate, provided that the appointment of a municipal commissioner shall not be made until such notice has been given to the chief officer, as the term of his appointment entitles him to receive and until the expiry of the period specified in such notice.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

(3) The Government may, at any time, discontinue the appointment of a municipal commissioner for any municipality for which such appointment has been made.

Removal from office.

240. (1) A municipal commissioner who is not a salaried servant of the Government shall hold office for a period of three years, in the first instance, and thereafter for such further period not exceeding three years at a time as the Government may in each case determine. A municipal commissioner who is a salaried servant of the Government shall hold office for such period as the Government may, from time to time, fix in each case.

(2) A municipal commissioner may be removed from office at any time by the Government if it shall appear to the Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient.

(3) The municipal commissioner shall be removable from office by the Government if at a special general meeting of the municipal council called for the purpose. not less than two-thirds of the whole number of councillors vote for such removal.

Salary of municipal commissioner.

241. (1) A municipal commissioner shall receive such monthly salary payable wholly by the municipal council or partly by the municipal council and partly by the Government, as the Government may from time to time, determine with due regard to the resources of the municipality.

Prohibition of engagement in other business.

(2) A municipal commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force, and shall not engage in any other profession, trade or business whatever:

Provided that the Government may assign to him any other work of local importance or interest, if in its opinion, he can perform such additional work without prejudice to his duties as municipal commissioner.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

Leave of absence.

242. (1) The Government may, from time to time, in consultation with the municipal council, grant leave of absence for such period as it thinks fit to a municipal commissioner.

Leave allowance.

(2) The allowance to be paid to a municipal commissioner while absent on leave, shall be of such amount, not exceeding his salary, as shall be fixed by the Government :

Provided that, if the municipal commissioner is a salaried servant of the Government, the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried servants of the Government of his class.

Appointment of substitute.

(3) During any absence on leave, or other temporary vacancy in the office of a municipal commissioner, the Government may appoint a fit person to act as municipal commissioner. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by or under this Act or by any other enactment for the time being in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable.

Contribution from municipal council towards pensions and leave allowances of municipal commissioners.

243. (1) When a salaried servant of the Government is appointed to be a municipal commissioner, the municipal council shall, unless specially exempted wholly or in part from liability by the Government, contribute to his pension and leave allowances to the extent required by the rules prescribed under sub-section (2) of section 228.

(2) When a person other than a salaried servant of the Government is appointed to be a municipal commissioner, the municipal council shall pay from municipal fund the whole of his leave allowances fixed, as hereinbefore provided by the Government, and may, with the sanction of the Government, grant him a pension or gratuity on retirement, or grant a compassionate allowance to his family on his death.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

Power of municipal council to require returns, reports or production of documents.

244. (1) The municipal council may require the municipal commissioner to furnish it with—

(*a*) any return, statement, estimate, statistics, or other information regarding any matter appertaining to the administration of this Act or to the municipal government of the municipality;

(*b*) a report on any such matter; and

(*c*) a copy of any document in his charge:

Provided that in emergent cases which do not admit of delay till a meeting of the municipal council is called, the president may call for information, return, statistics, estimate, etc., referred to above.

(2) The municipal commissioner shall comply with every such requisition without unreasonable delay.

Powers of municipal commissioners and limitations thereon.

245. A municipal commissioner shall exercise the powers hereinafter specified, and such other executive powers as may be delegated to him by the municipal council under the provisions of this Act—

(1) he shall, subject to the provisions of this Act and save where it is otherwise expressly provided in this Act, perform and exercise the duties and powers of the president under clauses (*b*), (*d*), (*e*) and (*g*) of sub-section (1) of section 24;

(2) he shall exercise all the powers specifically conferred on the chief officer by the provisions of this Act; and

(3) he may make such requisition by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a municipal council under any of the provisions contained in the following sections or sub-sections, namely:—

section 73,

section 81, except in cases where the amount to be remitted or refunded exceeds two hundred and fifty rupees.

(*Chapter XIV—Municipal Commissioner, His Powers and Duties*)

section 83,
section 91,
section 93,
section 105,
section 107,
section 109,
section 110,
section 112,
section 115,
section 118,
section 120,
section 121,
section 124,
section 126,
section 127,
section 128,
section 129,
section 130,
section 131, sub-section (2),
section 133, sub-section (1),
section 135,
section 138,
section 159,
section 174,
section 175,
section 177,
section 178,
section 181,
section 187,
section 188,
section 190,
section 192,
section 193, and
section 194.

Provided as follows :—

(*a*) The powers conferred on the municipal council by or under the provisions contained in section 83, section 105, section 107, section 110[1] sub-section (1) of section 129, section 135, sub-section (1) of section 138, and, in the

1. Certain words omitted by Act XVI of 1950.

case of a well, section 159, shall not be exercised by the municipal commissioner except subject to the general or special orders of the municipal council or, in the absence of such orders, with the previous approval of the municipal council ;

(*b*) The powers conferred on the municipal council by or under any of the provisions of this Act (i) to make rules or by-laws, and (ii) to authorise the president or the vice-president, or a committee or a councillor to do anything, shall not be exercised by the municipal commissioner ;

(*c*) Property, whether movable or immovable, vested in or belonging to or otherwise held by the municipal council, shall not be deemed to vest in or belong to or otherwise to be held by the municipal commissioner ;

(*d*) The power conferred by section 193 to direct a prosecution or to order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections shall not be exercised by the municipal commissioner except with the previous approval of the municipal council ;

section 46, sub-section (4) of section 107, section 165 and clause (*f*) of sub-section (2) of section 228.

Municipal commissioner deemed to be authorised in certain matters although not expressly so authorised.

246. When a municipal council empowered by any of the provisions of this Act or by any by-laws made hereunder to authorise an officer to exercise any power whatever or to do anything, has so authorised any officer, it shall be deemed so to have authorised the municipal commissioner notwithstanding that it has not expressly so authorised him.

Punishment for person disobeying lawful direction given by municipal commissioner.

247. Whoever disobeys or fails to comply with a lawful direction given by the municipal commissioner in any matter shall be punishable in the same manner as a person who disobeys or fails to comply with a lawful direction given by the municipal council in the same matter.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

Powers of municipal commissioner to appoint, grant leave, punish and dismiss.

248. (1) A municipal commissioner shall have, independently of such powers as may be delegated to him by the municipal council in this behalf, power without the sanction of the municipal council—

(*a*) to appoint, subject to the rules for the time being in force, a fit person to any post under the municipal council, the monthly salary for which does not exceed sixty rupees, other than to the post of health officer, engineer, chief accountant, manager or auditor;

(*b*) to grant, subject to the rules for the time being in force, leave of absence to the holder of any post to which the municipal commissioner has power to appoint, and to appoint a fit person to act for such holder during such absence;

(*c*) to fine, reduce, suspend or dismiss the holder of any post to which the municipal commissioner has power to appoint.

(2) When a municipal commissioner has been appointed under the provisions of this Act, all other officers and servants employed by the municipal council shall be subordinate to him.

Order not subject to appeal except in certain cases.

249. No appeal shall lie to the municipal council in respect of any order passed or anything done by a municipal commissioner in the exercise of powers conferred upon him by or under the provisions of this Act except in the case of an order passed or anything done by him under any of the following provisions, namely:—

(*i*) Sub-section (4) of section 107, (*ii*) sub-sections (1) and (2) of section 109, (*iii*) [1][sub-clause (*b*) of clause (*i*) of sub-section (6) of section 115,] (*iv*) sub-section (1) of section 118, (*v*) sub-section (1) of section 120, (*vi*) sub-section (1) of section 124, (*vii*) sub-section (2) of section 154, (*viii*) section 155, (*ix*) section 181, (*x*) section 182, (*xi*) clause (*b*) of sub-section (1) of section 187, (*xii*) section 192, (*xiii*) clause (*c*) of sub-section (1) of section 248 in respect of an order of dismissal.

---

1. Substituted by Act XVI of 1950.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

Delegation of powers of municipal commissioner.

250. (1) With the sanction of the municipal council, the municipal commissioner may by general or special order in writing delegate to any municipal officer or servant any of the municipal commissioner's powers, duties or functions under this Act or under any rule or by-law made hereunder except such as are conferred or imposed upon or vested in him under the following sections, namely, 181, 193 and 248.

(2) The exercise or discharge by any municipal officer or servant of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations, if any, as may be prescribed in the said order and also to the control of and revision by the municipal commissioner.

Power to execute contracts on behalf of municipal council.

251. In any municipality for which a municipal commissioner has been appointed, notwithstanding anything contained in section 41, the following provisions with respect to the making of contracts under or for any purposes of this Act shall have effect, namely :—

(*a*) every such contract shall be made on behalf of the municipal council, by the municipal commissioner;

(*b*) no such contract for any purpose which the municipal commissioner is not empowered by this Act to carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given;

(*c*) no contract for the purchase, sale, lease, mortgage or other transfer of immovable property, shall be entered into by the municipal commissioner except with the approval or sanction of the municipal council;

(*d*) no contract which will involve an expenditure exceeding five hundred rupees shall be made by the municipal commissioner except with the approval or sanction of the municipal council;

(*e*) every contract made by the municipal commissioner involving an expenditure exceeding two hundred and fifty rupees and not exceeding five hundred rupees

shall be reported by him, within fifteen days after the same has been made, to the municipal council;

(*f*) the foregoing provisions of this section shall apply to every variation or discharge of a contract as to an original contract.

Mode of executing contracts.

252. (1) Notwithstanding anything contained in sub-sections (7) and (8) of section 41, every contract entered into by a municipal commissioner on behalf of a municipal council shall be entered into in such manner and form as would bind such municipal commissioner if such contract were on his own behalf, and may in like manner and form be varied or discharged:

Provided that—

(*a*) where any such contract, if entered into by a municipal commissioner, would require to be under seal, the same shall be sealed with the common seal of the municipal council;

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the municipal council and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(2) The common seal of the municipal council shall not be affixed to any contract or other instrument, except in the presence of two members of the managing committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

(3) No contract not executed in the manner provided in this section shall be binding on the municipal council.

(Chapter XIV—Municipal Commissioner, His Powers and Duties)

Tenders to be invited for contracts involving expenditure exceeding five hundred rupees.

253. (1) Except as is otherwise provided in sub-section (3), a municipal commissioner shall at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees, give notice by advertising in the local newspapers, inviting tenders for such contract.

(2) A municipal commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (*d*) of section 251, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(3) The municipal council may, subject to the provisions of section 41, authorise the municipal commissioner, for reasons which shall be recorded in its proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

254. A municipal commissioner shall require security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under the Act.

SCHEDULE A.

ENACTMENTS REPEALED.

Year.	No.	Title or short title.
1906	VII.	The Mysore Municipal Act, 1906.
1911	IX.	An Act further to amend the Mysore Municipal Act of 1906.
1914	VIII.	An Act further to amend the Mysore Municipal Act of 1906.
1915	VIII.	An Act further to amend the Mysore Municipal Act of 1906.
1916	III.	An Act further to amend the Mysore Municipal Act of 1906.
1918	V.	An Act further to amend the Mysore Municipal Act of 1906.
1921	I.	An Act further to amend the Mysore Municipal Act of 1906.
1922	V.	An Act further to amend the Mysore Municipal Act of 1906.
1923	IV.	An Act further to amend the Mysore Municipal Act of 1906.
1926	IV.	An Act further to amend the Mysore Municipal Act of 1906.
1927	VIII.	An Act further to amend the Mysore Municipal Act of 1906.
1928	XIII.	An Act further to amend the Mysore Municipal Act of 1906.
1929	III.	An Act further to amend the Mysore Municipal Act of 1906.
1930	IX.	An Act further to amend the Mysore Municipal Act of 1906.
1931	VI.	An Act further to amend the Mysore Municipal Act of 1906.

(Schedule I)

SCHEDULE I.

[*Section 64, clauses (i), (vi) to (x) and (xiii).*]

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TERMINAL-TAX, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP-TAX.

Taxes	Maximum rate per year
A. Rate on buildings or lands or both—	
(*i*) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use.	Eight annas for every one hundred square yards.
(*ii*) Buildings or lands or both not falling under (*i*).	Six per centum on the annual letting value.
B. Tax on dogs	One rupee per head.
C. Special Sanitary Cess ..	Rates that may be notified by the Government from time to time.
D. General Sanitary Cess ..	Do do
E. Water rate or water rates ..	Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply.
F. Lighting tax	One-third of the rate leviable under item (A).
G. Other taxes leviable under clause (xiii) of section 65.	Rates to be fixed by Government in each case.

(*Schedule II*)

SCHEDULE II.

[*Section* 64, *clauses* (*iv*) *and* (*v*).]

Maximum rates of octroi and terminal tax.

Taxes	Maximum rate
A. Octroi.—	Rs. a. p.
Class I.—Articles of food or drink for men or animals.-	
Coconuts, fresh ..	0 0 1 each.
Coconuts, dry	0 8 0 per maund of 960 tolas.
Betel-leaves	1[0 0 2 per bundle of 100 leaves.]
Sugar	1 0 0 per cent *ad valorem*.
Jaggery	0 2 0 per maund of 960 tolas weight.
Ghee	0 8 0 do
Butter	0 6 0 do
Oats	1 0 0 per cent *ad valorem*.
Bran	1 0 0 do
Chaff	1 0 0 do
Class II.—Animals used for slaughter.—	
Sheep and goats ..	0 2 0 per head.
Class III.—Oils and oil seeds—	
Kerosene oil	0 2 0 per tin.
Other oils	0 2 0 per maund of 960 tolas weight.
Oil seeds	0 4 0 per candy of 160 seers.
Class IV.—Articles used in the construction of buildings.—	
1. Timber	Rates to be fixed by the Government from time to time.
2. Chunam or lime ..	0 4 0 per cart load.
3. Roofing tiles (Mangalore pattern) ..	1 9 0 per cent *ad valorem*.
Class V.—Tobacco ..	4 0 0 per maund of 960 tolas.
Class VI.—Piece-goods and other textile fabrics and manufactured articles of clothing and dress ..	0 0 3 per rupee *ad valorem*.
Class VII.—Metals ..	1 9 0 per cent *ad valorem*.
Class VIII.—Other articles which are not specified above and which may be approved by the Government by an order in this behalf	2 0 0 do
B. Terminal Tax ..	Rates to be fixed by the Government from time to time.

1. Substituted for the original figures and words by Act XXVI of 1940.

(Schedule III)

SCHEDULE III.

[See *section* 64, *clause* (*ii*).]

VEHICLES, BOATS AND ANIMALS LIABLE TO TAXATION WITH THE MAXIMUM RATES OF TAXATION.

	Yearly. Rs.	a.	p.
For every four-wheeled vehicle with springs constructed to be drawn by two or more horses	20	0	0
For every four-wheeled vehicle with springs constructed to be drawn by a horse, bull or bullock, or by two or more horses under thirteen hands, bulls or bullocks	10	0	0
For every two-wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks	6	0	0
For every motor bus or motor lorry	60	0	0
For every motor car weighing 15 cwts. or more ..	40	0	0
For every motor car weighing not less than 15 cwts. ..	30	0	0
For every motor cycle	15	0	0
For every other vehicle with springs and every palanquin, bicycle or tricycle and every trailer attached to a motor car	6	0	0
For every cart or other vehicle without springs ..	4	0	0
For every boat	4	0	0
For every elephant	24	0	0
For every camel	12	0	0
For every horse over thirteen hands	10	0	0
For every horse of or under thirteen hands ..	4	0	0
For every horse of or under eleven hands and for every mule	2	0	0
For every bullock or bull	1	0	0
For every male buffalo	1	0	0
For every ass	0	8	0

SCHEDULE IV.

[See *section* 64, *clause* (*xi*).]

MAXIMUM RATES OF TOLLS PAYABLE ON ENTERING THE MUNICIPAL LIMITS.

		Rs.	a.	p.
1.	On every motor bus as defined in the Motor Vehicles Rules or a motor lorry	2	0	0
2.	On every motor car	1	0	0
3.	On every motor tricycle or bicycle or trailer attached to a motor car	0	4	0
4.	On every four-wheeled carriage	0	8	0
5.	On every two-wheeled carriage on springs other than a jutka	0	4	0
6.	On every jutka laden	0	2	0
7.	On every jutka unladen	0	1	0
8.	On every other vehicle with springs including a tricycle or bicycle	0	2	0
9.	On every cart or other vehicle not on springs drawn by two bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
10.	On every cart or other vehicle not on springs drawn by two buffaloes, bullocks, horses, ponies, asses or mules, if not laden	0	2	0
11.	On every cart or other vehicle not on springs drawn by single bullock, buffalo, horse, pony, ass or mule, if laden	0	2	0
12.	On every cart or other vehicle not on springs drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden	0	1	0

(*Schedule V*)

SCHEDULE V.

[See *section* 64, *clause* (*xi*).]

MAXIMUM RATES OF TAX ON ARTS, PROFESSIONS, TRADES AND CALLINGS.

CLASS I.

	Yearly.
Every person holding any office or appointment, public or private, or employed in any capacity, whose pay, salary or pension amounts to two thousand rupees a month or upwards and every person falling under any of the following denominations whose income is estimated to amount to two thousand rupees a month or upwards :—	
(i) carrying on business as a company ;	
(ii) abkari renters, wholesale and retail traders, and manufacturers of every kind, contractors, auctioneers and commission agents ;	
(iii) bankers, money-lenders, money-changers and pawn brokers ;	
(iv) editors and proprietors of newspapers ;	
(v) brokers and dealers in securities, shares or bills of exchange ;	
(vi) practising barristers, advocates, high court vakils, solicitors, attorneys, pleaders, and law agents ;	
(vii) practising medical practitioners of all kinds including hakims and vaidyans ;	Rs. 100
(viii) dentists and veterinary surgeons ;	
(ix) architects and civil engineers ;	
(x) owners and farmers of markets and toll-farmers ;	
(xi) keepers of hotels, lodging houses or boarding houses ;	
(xii) builders and surveyors ;	
(xiii) owners of mills, warehouses, printing presses, oil presses, cotton presses and other presses and factories of all kinds ;	
(xiv) professional artists, photographers, actors, owners or managers of circuses or theatrical companies, musicians and dancers ;	
(xv) dealers in animals or vehicles, and owners or keepers of livery stables or hackney carriages ;	
(xvi) artizans.	

CLASS II.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to one thousand five hundred rupees a month or upwards	75

(*Schedule V*—contd.)

CLASS III.

	Rs.
Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to one thousand rupees a month or upwards ..	50

CLASS IV.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to five hundred rupees a month or upwards ..	25

CLASS V.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to three hundred rupees a month or upwards	12

CLASS VI.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to two hundred rupees a month or upwards ..	8

CLASS VII.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to one hundred rupees a month or upwards ..	4

CLASS VIII.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to fifty rupees a month or upwards ..	2

CLASS IX.

Every person described in Class I whose pay, salary or pension amounts, or whose income is estimated to amount to thirty rupees a month or upwards ..	1

NOTE.—The foregoing classification is subject to the following provisos, namely :—

PROVISO 1.—No owner of a cotton press shall be placed in any class below Class IV.

PROVISO 2.—No wholesale trader, banker, barrister, advocate, high court vakil, solicitor, attorney, architect, civil engineer, mill-owner or factory-owner shall be placed in any class below Class V.

PROVISO 3.—No abkari renter (other than a mere liquor shop-keeper), editor or proprietor of a newspaper, broker or

other dealer in securities, shares or bills of exchange, and no pleader, medical practitioner (other than a hakim or vaidyan), dentist or veterinary surgeon shall be placed in any class below Class VI.

PROVISO 4.—No boat-owner, auctioneer, money-lender, owner or, farmer of a market, toll-farmer, keeper of a hotel, lodging-house or boarding-house and no builder, surveyor or owner of a ware-house or press (other than a cotton press or oil press) shall be placed in any class below Class VII.

SCHEDULE VI.

[*See section 64, clause (xii)*.]

MAXIMUM RATES OF TAX ON SHOPS AND OTHER PLACES OF BUSINESS OR PROFESSION.

Items	Sort					
	1st	2nd	3rd	4th	5th	6th
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops. (For each shop per year)..	50	40	30	20	10	5
2. Other places where business or profession is carried on for purposes of profit. (For each place per year.) ..	50	40	30	20	10	5

SCHEDULE VII.

[*See clause (b) of section 65.*]

Notice is hereby given to the inhabitants of the municipality of ..... that the municipal council desires to impose the tax, rate, toll, octroi or cess (as the case may be) defined in the rules appended, [in lieu of the tax known as the ..... which is published at page ..... of the sanctioned rules.]

To be inserted if the tax is to be substituted for any existing tax.

Any inhabitant of the municipality objecting to the proposed tax may, within one month from the date of this notice, send his objections in writing to the municipal council.

RULES.

[The rules prepared by the municipal council under clause (*a*) of section 65 are to be appended here.]

SCHEDULE VIII.

(*See section* 78.)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT.

To the President of the municipal council.

I, A. B., hereby give notice, as required by section 77 of the Mysore City Municipalities Act, 19 , of the following transfer of property :—

Date of notice	Date of instrument	Name of vendor or assignor	Name of purchaser or assignee	Amount of consideration	Description of the property					If instrument has been registered, the date of registration	Remarks
					Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries		

(Sd.) A. B.

(*Schedule IX*)

SCHEDULE IX.

(*See section* 78.)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT.

To the President of the municipal council.

I, A. B., hereby give notice, as required by section 77 of the Mysore City Municipalities Act, 19 , of the following transfer of property :—

Date of notice	In whose name the property is at present entered in the municipal registers	To whose name it is to be transferred	Description of property					Remarks
			Of what it consists	Situation	Number in assessment list	Dimensions of land	Boundaries	

(Sd.) A. B.

(*Schedules X and XI*)

SCHEDULE X.

[*See sub-section* (3) *of section* 95.]

FORM OF NOTICE OF DEMAND.

To

A. B., residing at .....

Take notice that the municipal council of ..... demand from..... the sum of..... ..... due from .... on account of ..... (here describe the property or other subject in respect of which the tax is leviable) leviable under rule No. ..... for the period of ..... commencing on the day of ..... 19 .... and ending on the ..... day of ..... 19 ...., and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at ..... or sufficient cause for non-payment is not shown to the satisfaction of the municipal council, a warrant of distress will be issued for the recovery of the same with costs.

Dated this ..... day of ..... 19 ..,

(Signed)

By order of the municipal council of

SCHEDULE XI.

[*See sub-section* (1) *of section* 96.]

FORM OF WARRANT.

To

(Here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B., of ..... has not paid, and has not shown satisfactory cause for the non-payment, of the sum of .. .. due for the tax * ..... mentioned in the margin for the period commencing on the day of 19 ...., and ending with the ..... day of ..... 19 .... and leviable under rule No. .....

* Here describe the tax.

And whereas fifteen days have elapsed since the service on him of notice of demand for the same;

This is to command you to distrain, subject to the provisions of section 96 of the Mysore City Municipalities Act, 19 ....., the goods and chattels of the said A, B to the amount of ....., being the amount due from him, as follows :—

	Rs.	a.	p.
On account of the said tax			
For service of notice			

and forthwith to certify to me together with the warrant all particulars, of the goods distrained by you hereunder.

Dated this ..... day of ..... 19 ..,

(Signed.)

President (or as the case may be), see section 96 (2).

(*Schedule XII*)

SCHEDULE XII.

[*See clause* (c) *of sub-section* (5) *of section* 96 *and sub-section* (1) *of section* 92.]

FORM OF INVENTORY AND NOTICE.

To

A. B., residing at .....

Take notice that I have this day distrained the goods and chattels specified in the inventory beneath this, for the value of.... ..... due for the tax * ..... mentioned in the margin for the period commencing with the day of ..... 19 ...., and ending with the day of ..... 19 ...., together with Rs. ..... due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at ..... the said amount together with the costs of recovery, the said goods and chattels will be sold.

* Here descri the tax.

Dated this ..... day of ..... 19 ,

Signature of Officer executing the warrant. / collecting octroi / collecting toll.

INVENTORY.

(Here state particulars of goods and chattels distrained.)